

## Towards a Good Governance of the European Union Core Values in Romania

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### ABSTRACT

*The values of the European Union are the foundation of good governance, influencing the activity of public administration in each Member State and giving security, continuity and predictability to governance. Good governance designed and implemented by the European Union provides an overview widely applied in all 27 Member States, interfering with their own values, principles and policies and at the same time being able to withstand changes in governance. In order to achieve the proposed objective, the article addresses both the legislation of the European Union and Romania, as well as the literature and current perspectives on good governance of the fundamental values present in the life of the European Union. The article analyses the rule of law, democracy and human rights in the light of the core values of the European Union, corroborated with inclusion, transparency, efficiency, effectiveness, sustainability of government, being part of the culture of public administration, and the way they are implemented by Romania following the results of their compliance. Based on these issues, good governance and good administration are discussed as concrete evidence of the commitment of states to respect the fundamental values and principles of the European Union. As strengthening the European dimension requires respect for fundamental values, which is a sine qua non condition for the European Union and the Member States, we believe that visible results and examples of good practice can be identified for Member States and third parties interested in integrating into the European Union.*

**KEYWORDS:** *good governance, public administration, the rule of law, democracy, human rights.*



## 1.Introduction

The European Union is one of the key global actors supporting the unique and innovative integration of democracy, human rights and the rule of law - values that must be protected and promoted in order to reveal a stronger European Union, with a view to ensuring a permanent balance at Member State level<sup>1</sup>. Page | 8

The European process of unifying and building what we call the European Union today is based on a set of values and principles common to the Member States, the multilateral aspect becoming one of the intended directions, with the aim of attaining a multilevel or even global form of governance. The multitude of systems of government, supported by the existence of consensus and dialogue at European level, is one of the absolutely indispensable requirements in the pursuit of the general interest and the common good, in the most democratic way possible.

The European Union works and ensures good governance, thanks to its functional and institutional specialization, demonstrating the originality, uniqueness and complexity of its institutional architecture, based on cooperation, interdependence and state interaction. The involvement of the European Union in the formulation and implementation of public policies in the process of improving the quality of European democracy results in transparency, effectiveness, efficiency and legitimacy of governance, and citizens will understand, feel and experience the good governance of the European Union. In the European Union, it is clear that governance is more than declarative and purely theoretical, being functional and constantly updated.

## 2.Romania and its position concerning the good governance of the fundamental values of the European Union

Concerning this frame of reference, good governance, the key concept of this paper, is analysed both from the perspective of the European Union and Romania in the context of the rule

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<sup>1</sup>For more details see Moroianu Zlătescu I., Marinică C. E., 2017, Bucharest, Romania: *Dreptul Uniunii Europene*, Bucharest, Romania: Ed. Universul Academic and Ed. Universitară, pp. 249-289.



of law, and regarding the fundamental values that ensure optimal parameters for good administration and increase the efficiency of public administration coupled with inclusion, transparency, efficiency, effectiveness, sustainability of governance, predictability, all of which are part of the culture of public administration.

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According to the Explanatory Dictionary of the Romanian language, “governing” means “the act of governing; period in which a government operates; leading, administering a state”. We could say that the government represents the totality of the public authorities that are at the central level, the legislative power and the executive power having a decisive role, and if we go further with the assessments, we must mention that this concept of “good governance” differs from “Good administration”, good governance having an important political component, being the one that best responds to the aspirations of society.

As we have seen on another occasion, when we referred to good governance this is nothing more and nothing less than political leaders acting for the common good of the citizen<sup>2</sup>. In this context, the 21st century is considered to be the century of good governance, with multiple multidimensional valences and wide applicability, providing the best answers to society. The UN's contribution to the development of this concept should be emphasized, “beginning in the 1990s, although it can be argued that the analysis of promoting good governance and the provision of global public goods (peace and security) necessarily leads to questions about ways in which the UN can promote democratic governance”<sup>3</sup>. We recall the statement of the former UN Secretary-General that “good governance is to ensure respect for human rights and the rule of law”, which shows the work carried out at the UN level and although the UN was not the initiator for the term of good governance, it introduced it, gradually developed it, gave it a content that enriched it permanently and made it accepted as an official notion by more and more states<sup>4</sup>. Viewed from

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<sup>2</sup>Moroianu Zlătescu I., Marinică C.E., *Good governance and happiness of citizens*, in *Fiat Justitia*, no. 1/2020, pp. 199-207.

<sup>3</sup>Dumitriu, P., 2008, *Sistemul ONU în contextul globalizării: Reforma ca voință și reprezentare*, Bucharest, Romania: Ed. Curtea Veche, p. 367, in Moroianu Zlătescu I., Marinică C.E., *Good governance and happiness of citizens*, in *Fiat Justitia*, no. 1/2020, pp. 199-207. Bălan, E., *Democrația constituțională și buna administrare*, in Bălan, E., Varia G., Ifene C., Troanță D., Văcărelu M. (coord.), 2013, *Administrația publică și puterea politică. Tendințe și evoluții în spațiul public european*, Bucharest, Romania: Comunicare.ro Publishing House, p.47.

<sup>4</sup>*Ibidem*.



different angles, good governance can also be considered an “effective management of public affairs by generating a set of rules, in order to promote and strengthen the values of society sought by individuals and groups”<sup>5</sup>.

Legitimacy, accountability, efficient management and access to information for citizens are important features of good governance, which is sometimes accompanied by good administration, but definitely both concepts can be separated. Public policies fall under the prerogative of the executive, and the public administration is responsible for their execution, although the executive itself can ensure their administration. We support the view that “public administration reflects the institutional basis of the way countries are governed”<sup>6</sup>, that it “meets the needs of society and operates on the basis of organizational structures, processes, roles, relationships, policies and programs and that it influences sustainable economic prosperity”<sup>7</sup>, but also “social cohesion and people’s well-being”<sup>8</sup>, having an effect on “social trust and determining the conditions for creating public value”<sup>9</sup>.

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From 1990 until now, especially after Romania's accession to the EU, Romania has sought to ensure good governance, to contribute to the general reform applicable to the state and society, to strengthen and perpetuate the citizen's trust in the act of governing, now public authorities becoming more transparent, more efficient, more open, contributing to the implementation of a

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<sup>5</sup>R. Charlick, 1992, *The concept of Governance and its Implications for AID's Development Assistance Program in Africa*, Associates in Rural Development, Burlington, USA, p. 3.

<sup>6</sup>Holmberg, S. and Rothstein, B., 2012, *Good Government: The Relevance of Political Science*, Cheltenham, UK: Edward Elgar Publishing, in *European Commission European Semester - Theme Sheet Quality of Public Administration*, available [https://ec.europa.eu/info/sites/default/files/file\\_import/european-semester\\_thematic-factsheet\\_quality-public-administration\\_ro.pdf](https://ec.europa.eu/info/sites/default/files/file_import/european-semester_thematic-factsheet_quality-public-administration_ro.pdf), accessed on 10.01.2022.

<sup>7</sup>Kaufmann, D., Kraay, A., and Zoido-Lobaton, P., *Governance Matters*, Policy Research Working Paper 2196, in *European Commission European Semester - Theme Sheet Quality of Public Administration*, available [https://ec.europa.eu/info/sites/default/files/file\\_import/european-semester\\_thematic-factsheet\\_quality-public-administration\\_ro.pdf](https://ec.europa.eu/info/sites/default/files/file_import/european-semester_thematic-factsheet_quality-public-administration_ro.pdf)

<sup>8</sup>Hallerod, B., Rothstein, B., Nandy, S., Daoud, A., August 2013, *Bad governance and poor children: a comparative analysis of government efficiency and severe child deprivation in 68 low- and middle-income countries*, World Development, 48:19-31, in *Public Administration Quality Fact Sheet*, available at [https://ec.europa.eu/info/sites/default/files/file\\_import/european-semester\\_thematic-factsheet\\_quality-public-administration\\_ro.pdf](https://ec.europa.eu/info/sites/default/files/file_import/european-semester_thematic-factsheet_quality-public-administration_ro.pdf), p.1.

<sup>9</sup>*Public Administration Quality Fact Sheet*, available at [https://ec.europa.eu/info/sites/default/files/file\\_import/european-semester\\_thematic-factsheet\\_quality-public-administration\\_ro.pdf](https://ec.europa.eu/info/sites/default/files/file_import/european-semester_thematic-factsheet_quality-public-administration_ro.pdf), p.1.



new administrative culture for both the citizen and the administration. We believe that in these years of democracy, considerable progress has been made in governance, with a tendency to ensure good governance, although there are still a number of areas that need to be improved in order to achieve a proper set-up of authorities and public administration.

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Article 2 of the Treaty on European Union states that the European Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are pillars of support and the European Union bases its existence and functioning on them; they become the objectives of each Member State, as well as those which in the future will pursue the status of Member State.

The rule of law, an ideal and global aspiration, is the foundation of legality and since the administration operates exclusively under the law, in this article we want to highlight some aspects related to the concept of the rule of law because public administration and its elected officials must serve continuously to the citizens, in order to achieve the common good. The rule of law is undoubtedly linked to respect for human rights, legality and democracy, and public administration must take into account the interests of citizens, good governance and good administration being, implicitly, the quantified responsibility of the rule of law, giving legal certainty, freedom and equal treatment.

The rule of law is one of the cornerstones of the European Union, which is why resolving the rule of law crises in the Member States involves the work of public administration authorities and, implicitly, good governance and good administration, especially since democratic governance it is supposed to be made for the people, by the people and accountable to the people, according to the formula put forward in 1830 by the American senator Daniel Webster and borrowed 33 years later by Abraham Lincoln. [...] Effective governance requires the involvement of all state and non-state actors, with civil society having to follow the very principles of good governance”<sup>10</sup>.

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<sup>10</sup>Ciora C., *Relația Bună Guvernare – Bună Administrare*, in *Drepturile Omului*, Bucharest, Romania: Ed. IRDO, no. 2/2021, pp.53-62.



Guarding the balance of power between state institutions, the state under the rule of law, along with democracy and human rights, is the cornerstone of the European Union, especially that “the credibility and efficiency of the European Union must be based on a firm and transparent public legal framework, the rule of law is a principle that states must take into account internally and in international relations in order to ensure a rule-based government so that no one is above the law and no one can be convicted of violating the law except in the manner established by the law itself”<sup>11</sup>.

Romania is a rule of law-based, democratic and social state, organized according to the principle of separation and balance of powers in the state (legislative, executive and judicial), exercising the role of promoting transparency and good governance, this landscape being completed by defending fundamental human rights and freedoms, a responsibility that must be constantly monitored and permanently fostered.

Of course, the way Romania implements these fundamental values as a member of the European Union is reflected in good practices and their visible results, which can be a source of inspiration for the Republic of Moldova, as strengthening the European dimension requires respect for fundamental values as well as examples of good practice for countries interested in joining the European Union. A recent and current example in this regard is given by the implementation of a part of the assistance package offered by Romania to the citizens of the Republic of Moldova; thus Romania will share good practices from the vaccination campaign at national level - it will also assess the elements related to the epidemiological situation in the Republic of Moldova, “the stage of preparations for the start of the vaccination process and, taking into account the relevant mechanisms in the field at EU level, including discussing the supplying of COVID-19 vaccine to the Republic of Moldova”<sup>12</sup>.

<sup>11</sup>Marinică, C.E., *Noi perspective asupra statului de drept în Uniunea Europeană*, in *Revista Punctul Critic*, no. 3-4 (33-34) 2020, Bucharest, Romania: Ed. Fundația Culturală “Ideea Europeană”, pp. 219-231.

<sup>12</sup>Ministerul Sănătății, Press Release, *România sprijină Republica Moldova în demararea procesului de vaccinare*, available at <http://www.ms.ro/2021/01/27/romania-sprijina-republica-moldova-in-demararea-procesului-de-vaccinare/>



In fact, the Republic of Moldova is the main beneficiary of development assistance provided by Romania, accounting for 65.2% of the total official bilateral development assistance provided by Romania to partner states, so that in the 2015-2019 time frame, Romania provided the Republic of Moldova with an “assistance of approximately 130 million Euros and the largest amount was dedicated to the field of education through scholarships, courses and training sessions for the benefit of young people. Other areas funded by public institutions in Romania through bilateral projects, study visits and exchanges of experience were mainly good governance, the fight against corruption and the promotion of an ecological and sustainable society”<sup>13</sup>. Part of these funds was also dedicated to the field of democratic governance, with a focus on electoral assistance and the fight against corruption.

We agree with the statement that “principles and values are the foundations of good governance, shaping behaviour in public administration. They provide a clear direction, but only if they are widely accepted, adopted and applied in practice. Every administration operates with its own set of values, which reveal themselves in the daily delivery of public policies and services”<sup>14</sup> and we should also mention that “value sets should be capable of surviving changes of government”.

The reflection of good governance in the work of public administration authorities must take into account the context where the general interests of the various actors of the governing act are lying, considering their interaction, communication, collaboration and coordination, being aware of the need to govern for and together with the citizens, the latter through their elected representatives. Good governance doubled by good administration is based on civic values imposed on those who exercise power in public administration, the latter being characterized by openness, plurality, balance, efficiency, cooperation, dynamism and compatibility in order to serve the general interest. Good administration is proclaimed as a fundamental right under the Charter

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<sup>13</sup>More information available at <https://www.mae.ro/node/1677>. About legal education in the Republic of Moldova see Orlov, M., *Educația juridică*, in Moroianu Zlătescu, I. (ed. coord.), 2019, *Evoluția dreptului și a societății românești în context internațional 1918-2018*, Bucharest, Romania: Ed. Universitară, Ed. Universul Academic, pp.207-221.

<sup>14</sup>European Commission, 2017, *Quality of Public Administration A Toolbox for Practitioners, Principles and values of good governance*, DOI 10.2767/593135, p.1.





of Fundamental Rights of the European Union and it gives public institutions the opportunity to create an environment of general well-being that meets the interests of the citizen, who must carry out their activity taking into account a minimum of criteria we can collectively call good governance or good administration.

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Good governance involves a participatory European Union, which contributes to overcoming the imbalances between the actors on the European scene, in support of the opening of institutions, citizen participation, accountability of stakeholders, effectiveness of measures and their coherence, as principles of its functioning. It is true that “good governance starts with an agreed set of principles and values widely shared”<sup>15</sup>, precisely for this reason it can be said that “there is no ‘right’ or ‘wrong’ formulation: each administration has its own typology and terminology”, but one can conclude that “a consensus view of modern public administration can be summarised in 15 values, some of which can also be described as representing principles that should appear in every values statement”.

Civilians’ participation in the decision-making process was the subject of discussions at the Council of Europe, and a Code of Good Practice for Civilians’ Participation in the Decision-Making Process was adopted, which established important principles in this respect, namely: va) participation, as a way of collecting and channelling the points of view of the interested citizens, through non-governmental organizations, in view of the political process of decision-making; b) trust, as the honest interaction between the actors involved; c) taking responsibility and transparency, both on the part of non-governmental organizations and on the part of the authorities; d) the independence of NGOs, being important that they be recognized as free and independent entities with regard to their aims, decisions and activities<sup>16</sup>.

The current Administrative Code applicable in Romania regulates the general principles applicable to public administration as proof of the desire for good governance at the level of public administration and beyond. Thus, Article 6 dedicated to the principle of legality stipulates that

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<sup>15</sup>*Ibidem*, p.6.

<sup>16</sup>Project SIPOCA 35, *Guvernare deschisă, transparentă și participativă-standardizare, armonizare, dialog îmbunătățit, Manual de Bune Practici pentru promovarea abordării pro-active a principiilor guvernării transparente, deschise și participative*, p.5.





public administration authorities and institutions, as well as their staff have the obligation to act in compliance with the legal provisions in force and the international treaties and conventions to which Romania is a party, and Article 7 aims at equality, as a principle, since the beneficiaries of the activity of public administration - authorities and institutions have the right to be treated equally, in a non-discriminatory manner, correlated with the obligation of public administration authorities and institutions to treat all beneficiaries equally, without discrimination on the criteria mentioned by the law. In addition to these principles, there are also the principles of transparency (regarding the obligation to inform and submit for consultation and public debate the draft of normative acts in the process of elaboration, considering that public authorities and institutions must allow citizens access to decision-making as well as data and information of public interest, within the limits of the law), the principle of proportionality (concerns the idea of satisfying a public interest, after a prior assessment of the needs concerning public interest by the principle of satisfying the public interest before the individual or group one, the principle of impartiality (regarding the exercise of legal attributions impartially) the principle of continuity and adaptability to the needs of society.

The applicability of some of the above principles may not lead to the best results, being influenced by the degree of awareness of the Romanian society and citizens, who sometimes adopt a passive attitude regarding the idea of good governance, towards those applying it, including public administration authorities. In this context, we believe that it is necessary to promote and encourage the participation of citizens in the life of their society, through a greater involvement in the public decision-making process, both at national and European level. Participation and democracy complement each other, bringing to the forefront participatory democracy, through which citizens participate in public affairs. The participation of the society in the realization of the general interests supported by the public authorities has increased due to the democratic imperatives.

At the national level, the implementation and application of general principles in public administration shall ensure the rule of law, legality and the observance of fundamental human

rights and freedoms, based on integrity, social cohesion, impartiality and equal treatment of all citizens based on respect, accuracy and fairness.

Good governance and good work of public authorities depend on principles such as impartiality, continuity and adaptability, their role being to meet social needs, which are constantly being transformed regarding their content. Inclusion “goes further than impartiality (which suggests a neutral approach) and carries more positive connotations – ensuring that governance is participatory”<sup>17</sup>, and openness has transparency as its starting point, “open government goes beyond providing a passive perspective through the proactive introduction of public information” and thus “openness is closely linked to inclusion as well as responsibility”<sup>18</sup>. Romania's membership in the EU determines democratic stability, socio-economic progress, responsibility, active involvement, prosperity, resilient consolidation in multiple areas, actively contributing to the promotion of the EU enlargement process.

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Efficiency and effectiveness go beyond proper human resource management and the extent to which objectives have been or should be achieved to meet the current needs and challenges of society, to make them sustainable, to ensure that public authorities “must think about optimizing certain processes in the medium and long term ( based on what the country needs in the future), as well as attaining short-term results (what citizens and businesses want now), for future generations”, ending with the identification and implementation of good public policy practices<sup>19</sup>.

At the level of the European Union, a good example of this is the organization of the Conference on the Future of Europe, being an occasion for the European Parliament, the Council and the European Commission<sup>20</sup> to listen to the voice of the people and to offer concrete solutions to their initiatives, an action which implicitly emphasizes a commitment to respect European values, the future effects of the conference transcending EU borders, pursuing the perspectives of each Member State in regards to the democratic functioning of the European project, as well as

<sup>17</sup>European Commission, *Quality of Public Administration A Toolbox for Practitioners, Principles and values of good governance*, 2017, DOI 10.2767/593135, p. 7.

<sup>18</sup>*Ibidem*, p.7.

<sup>19</sup>*Ibidem*, p.8.

<sup>20</sup>Moroianu Zlătescu, I., Marinică C.E., 2020, *Instituțiile Uniunii Europene*, Bucharest, Romania: Ed. Universul Academic and Ed. Universitară, București, p.49 and next.



promoting the support of EU citizens for our common goals and values, giving them new opportunities to express themselves<sup>21</sup>. Ideas such as protecting and consolidating democracy, promoting a common European identity, involving and consulting citizens in EU decision-making, digital transformation, the rule of law, values and rights, the danger of the rise of liberal democracies are just a few topics on which European citizens - expressed their opinions, marking at the same time a responsibility, but also a direct effect on good governance. The conference reinforces the idea of good governance, resilient democracy, civic participation, accountability and transparency, while providing a perspective through which “it is clear that the EU must start a serious reflection on itself, with a view to increasing the effectiveness and legitimacy of its governance system. [...] In fact, according to the Joint Declaration, the Conference should be a citizens-focused bottom-up exercise to identify citizens’ priorities for the EU’s future. Yet the Conference should also tackle what is not working within the EU system of governance”<sup>22</sup>.

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We appreciate that good governance in the European Union also contributes to the preservation of cultural diversity, promoting respect and empowerment of local and national identity, the European citizen being aware that he/she lives and is part of a community, region, state, endowed with a historical, cultural, political, economic identity etc. and that their existence is closely related to it, thus determining a plurality of identities, but also bringing the decision-making process close to the citizens.

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<sup>21</sup>Avbelj, M., *Revitalisation of EU Constitutionalism*, (2021) 46 *European Law Review* 3, in Fabbrini, F., *The Joint Declaration on the Conference on the Future of Europe: Process, Promises, Pitfalls* (April 19, 2021). BRIDGE Network Working Paper Series No. 13, 2021, p. 7, available at SSRN: <https://ssrn.com/abstract=3829601> or <http://dx.doi.org/10.2139/ssrn.3829601>

<sup>22</sup>Fabbrini, F., March 2021, *The Conference on the Future of Europe: Relaunching the EU after Brexit and Covid-19*, available at <https://bridgenetwork.eu/2021/03/10/the-conference-on-the-future-of-europe/>



### 3. Conclusions

At the end of this research, we believe that good governance is responsible for the reality experienced by the citizens of a state and only by knowing its reality and challenges can we move forward, in building a better future government, developing and implementing public policies and good practices defining state governance and also ensuring a better future. Page | 18

Good governance is a common foundation for all the fundamental values of the European Union for all citizens and at the same time a guarantee of security, continuity and predictability of governance in all European democratic states, and the way in which it is understood and applied in Romania highlights Romania's evolution within 15 years of joining the European Union. Thus, “EU membership has offered Romania and Romanian citizens the landmarks of an irreversible path of democratic progress, of assuming the values and principles on which the Union is built, of economic and social development, of solidarity and active action in strengthening policies and actions that gives substance to the European project”<sup>23</sup>, and “the positive impact of the Union in the daily life of Romanians remains a major one, perceptible either directly, through the projects that Romania implements with European funding or through the direct exercise of European freedoms, or indirectly, through European connection and modernization of Romanian society and economy as a result of our participation in European processes”<sup>24</sup>. It is true that “15 years after Romania's accession to the European Union, we have the certainty that Romania's future is closely linked to the future of the European Union” and that we will have “a more consolidated and cohesive European Union, united around the common values stipulated in the EU Treaties, more prosperous and stronger at regional and global level, for the direct benefit of all European citizens - including Romanians and Romania We consider that the fundamental values of the European Union influence the activity of the authorities and the public administration, offering security, continuity and predictability to the governing act as it is conceived and implemented at the level of the European Union, therefore also in Romania. The rule of law, democracy and human rights

<sup>23</sup>The statement of the Minister of Foreign Affairs of Romania, Mr. Bogdan Aurescu, on the occasion of the 15th anniversary of Romania's accession to the EU, available at <https://www.mae.ro/node/57511>, accessed on 19.01.2022.

<sup>24</sup>*Ibidem*.



in conjunction with the inclusion, transparency, efficiency, effectiveness and sustainability of government are part of the culture of public administration, concrete evidence of states' commitment to the values and fundamental principles of the European Union implementation of public policies and good practices for third countries interested in being integrated into the European Union, as is the case of the Republic of Moldova, Romania developing and cultivating permanent partnerships with this neighbouring state.

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