MODELS AND PERSPECTIVES OF CROSS-BORDER COOPERATION IN CENTRAL-EASTERN EUROPE

Georgiana CICEO, Dragoș PĂUN
(Editors)

PRESA UNIVERSITARĂ CLUJEANĂ

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PRESA UNIVERSITARĂ CLUJEANĂ
2026

Babeș-Bolyai University, Jean Monnet Network FRONTEM
Central European Service for Cross-border Initiatives (CESCI)
Bogdan Vodă University

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ISBN 978-606-37-3156-3

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Preface

Borders in Motion: Perspectives on borders and cross-border cooperation in Central and Eastern Europe

BIRTE WASSENBERG

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In a Europe facing major geopolitical challenges, with the resurgence of armed border conflicts on its territory, as the Russian invasion of Ukraine in 2022 brutally reminds us of, the question of borders is more than ever a central issue for academic research.

Indeed, national borders, far from having disappeared with the deepening of European integration — despite the implementation of the European Single Market and the creation of a Schengen Area — continue to shape political, economic and social spaces. They constitute at the same time lines of demarcation, genuine dyads, instruments of national sovereignty and vectors of cross-border cooperation[1]. This ambivalence, inherent in the very notion of a border, calls for moving beyond teleological interpretations of a "Europe without borders"[2] in favour of a more nuanced approach, attentive to contemporary reconfigurations. For, borders have never ceased to exist within the European Union (EU): they transform, reconfigure and adapt to political and economic changes, constantly oscillating between openness and closure[3].

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1 B. Reitel, "La frontière internationale, objet sémique, processus multi- dimensionnel, interface signifiante", LISER Working Paper 2011/ 43, Esch- Alzette, 2011.

2 B. Wassenberg., "Europa ohne Grenzen. Mythus oder Realität? Eine historische Analyse », In B. Wassenberg, (ed.), *Frontières, acteurs et représentations d'Europe (Fare). Mélanges en honneur de Sylvain Schirmann*, Peter Lang, Brussels, 2022, p.415-439.

3 B. Wassenberg, "Introduction", In B. Wassenberg, *Frontières en mouvement (Frontem): Which Models of Cross-Border Cooperation for the EU?*, Peter Lang, Brussels, 2024, p.15.

In this context, cross-border cooperation serves as an ideal testing ground for analysing the role of borders in European integration[4]. It provides a concrete opportunity to observe how borders are experienced, circumvented, reinterpreted or reaffirmed by local, regional and national actors. It also highlights the tensions between the logic of supranational integration and the persistence of national interests, as the classical debate between the idea of a "Europe of nations" against that of a "United States of Europe" for the continent well illustrates — two diametrically opposed visions in which the issue of state sovereignty, as well as border sovereignty, has always been at stake[5]. Since the 1990s, cross-border cooperation has established itself as a key instrument of European territorial cohesion policies, supported in particular by the Interreg programmes[6]. However, its development has not been homogeneous across Europe. The border regions of Western Europe, characterised by a long tradition of cooperation and relatively high levels of development, have benefited from the possibility to develop cross-border cooperation in parallel to the process of European integration, whilst those of Central and Eastern Europe had to wait until the end of the Cold War to foster cross-border realtions and to reveice support for it from the European Commission[7].

It is precisely within this comparative framework that the network "*Frontières en movement (Borders in Motion)*" (Frontem) — a Jean Monnet project conducted between 2019 and 2023 as part of the Erasmus+ programme, is situated. By combining insights from Border Studies and European Studies, this Jean Monnet network sought to offer a fresh perspective on the role of borders in the process of European integration

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4 K.-H. Lambertz, (ed.), *Die Grenzregionen als Labor und Motor kontinentaler Entwicklungen in Europa. Berichte und Dokumente des Europarates sowie Reden zur grenzüberschreitenden Zusammenarbeit in Europa,* Dike/Nomos, Zürich, Baden-Baden, 2010.

5 A. S. Milward, *The frontier of National sovereignty. History and theory (1945-1992),* London, Palgrave,1994; A. Pagden, *The idea of Europe. From Antiquity to the European Union*, Cambridge, University Press, 2002.

6 J. Peyrony, B. Reitel, B. Wassenberg, "The Interreg experience in bridging European territories. A 30 year summary", In E. Medeiros (ed.), *European Territorial Cooperation. Theoretical Approaches to the process and impacts of Cross- Border and Transnational Cooperation in Europe*, Heidelberg, Srpinger, 2018, p.7-25.

7 B. Reitel, B. Wassenberg, *Territorial Cooperation in Europe: a Historical Perspective*, Luxemburg, Publication Office of the EU, 2015.

when faced with processes of re-bordering and the re-questioning of the model of a "Europe without borders"[8].

The model of a borderless Europe has dominated the EU's discourse ever since the project of the European Single Market, which not only aimed at eliminating economic tariffs on goods but also at ensuring the free mobility of people, services and capital[9]. It was first launched in 1985 by the President of the European Commission, Jacques Delors, who put an emphasis on the elimination of economic borders to facilitate eoncomic growth within a European Community, where the border was no longer an obstacle to free movement[10]. The idea was then further pushed by the Schengen Agreement, initially adopted in 1985 by France, Germany and the Benelux States in order to suppress controls for people at the internal borders of the European Community[11]. Since the completion of the European Single Market in 1992 and the integration of the Schengen Agreement. into the EU Treaty of Amsterdam in 1997, the effects of open borders have indeed been felt most directly by European citizens, as certain "Westphalian" functions of the border disappeared such as the systematic control of goods or people crossing the border[12]. The role of European border regions was to contribute to the tangible implementation of this "Europe without borders". The European Commission therefore associated border regions to its regional policy, primarily through the Interreg programs, which, since 1991, have provided funds for cross-border projects, both at internal and external borders of the EU[13]. With the ongoing process of European integration,

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[8] B. Wassenberg., "Europa ohne Grenzen. Mythus oder Realität? Eine historische Analyse », In B. Wassenberg, (ed.), *Frontières, acteurs et représentations d'Europe (Fare). Mélanges en honneur de Sylvain Schirmann*, Brussels, Peter Lang, 2022, p.415-439.

[9] L. Warlouzet, "At the heart of the recovery in the 1980s, the internal market", In *The European Commission 1986-2000, History and Memories of an institution*, Luxemburg, Publication Office of the EU, 2019, p.258-259.

[10] Ch. Mestre, *Les incidences de l'achèvement du Marché unique sur les régions transfrontalières,* Strasbourg, Council of Europe, 1992.

[11] B. Wassenberg, "Frontières, coopération transfrontalière et intégration européenne", In B. Wassenberg, M. Aballéa, (eds.), "Frontières, géopolitique et relations internationales", *Cahier Fare* n°16, Paris, Harmattan, 2019, p. 50.

[12] M. Berezin, M. Schain (eds.), *Europe Without Borders: Remapping Territory, Citizenship, and Identity in a Transnational Age*, Baltimore, John Hopkins University press, 2003.

[13] Th. Köhler, "Die Interreg-Programme und die Rolle der europäischen Kommission als wesentlicher Akteur der grenzüberschreitenden Zusammenarbeit", In B. Wassenberg,

borderlands became indeed open spaces of mobility and free movement where local and regional stakeholders could forge cross-border neighbourhood relations without obstacles, as the "Westphalian" border was no longer relevant[14].

In order to examine more in detail the role of border regions in European integration, the Frontem network exchanged knowledge and practices on five different case studies of EU border management and perception: the border between France and Germany, the border between France and Belgium, the border between Ireland and Northern Ireland, the border between Denmark and Germany and the border between Rumania and Hungary[15]. The partners of Frontem carried out an interdisciplinary cross-analysis in their respective border areas by organizing each a scientific seminar with researchers and a focus group with local stakeholders. The starting point for the network was the assumption that there are certain models of border management and perception in the EU. Thus, in Western Europe, the Franco-German and the Franco-Belgian border regions were labelled as models of open, integrated spaces where cross-border mobility is an evidence and where the "Westphalian" border as a line of separation between the sovereignty of two national States is no longer visible[16]. The Franco-German border also symbolises a model of a successful process of reconciliation after the end of the Second World War. In a different perspective, reminding of the times of the "troubles", the border on the Isle of Ireland can become a model of maintaining peace in a conflictual area, but

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J. Beck (eds.), *Living and researching cross-border cooperation (Volume 3): the European dimension*, Stuttgart, Steiner Verlag, 2011, p. 243-253.

14 J. Beck, "European Cross-Border Cooperation of the Future: Capacity-Building and the Principle of Horizontal Subsidiarity", In I. Pires (ed.), *Borders and Borderlands: Today's Challenges and Tomorrow's Prospects*, Lisbon, ABS Lisbon Conference Centro de Estudos Geográficos, 2012, p.13-33.

15 See B. Wassenberg, *Frontières en mouvement (Frontem): Which Models of Cross-Border Cooperation for the EU?*, Peter Lang, Brussels, 2024.

16 Th. Hölpel,"Der deutsch-französische Grenzraum als Modellregion der deutsch-französischen und europäischen Annäherung", In Th. Höpel, *Der deutsch-französische Grenzraum: Grenzraum und Nationenbildung im 19. und 20. Jahrhundert,* Europäische Geschichte online, 2012. Retrieved http://ieg-ego.eu/de/threads/crossroads/ grenzregionen/ thomas-hoepel-der-deutsch-franzoesische-grenzraum. Accessed 23 April 2026.

only when it becomes "invisible"[17]. In Northern Europe, cross-border cooperation at the Danish-German border is a model for successful management of border minorities, installing a "peaceful co-existence" between the respective Danish and German national minorities[18]. Finally, in Central Europe, the Hungarian-Rumanian border was represented as a model for East-East reconciliation after the Cold War. Cross-border cooperation in this area also helped to deal with the large Hungarian minorities on the Rumanian side of the border and was generally regarded as a potential gateway to an enlarged Schengen Area of free circulation – at a time when Hungary and Rumania had not yet joined Schengen[19].

However, when the Frontem network was launched in 2019, it was confronted with a questioning of these model functions of European borders. Indeed, since 2015, various crises in Europe had severely shaken the image of a borderless Europe[20]. In Europe, the Schengen crisis, spurred off by the unexpected migration flow in 2015, had led to a re-questioning of European borders as best practice places of European integration[21]. Re-bordering policies were introduced by many EU Member States in order to stop the massive inflow of refugees, not only creating problems for migrants to enter the EU, but also for the internal border flows of cross-border workers[22]. This process was further reinforced by some Member States in order to counter the terrorist crisis, which had shaken Europe during the same period, especially in France, where a state of emergency was proclaimed, thus

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[17] F. Mercier, "Making sense of the invisible: cognitive mapping, affective realities and the Irish/Northern Irish Border", *Media, Culture & Society,* Vol.45, Issue 1, p.126-14&.

[18] M. Klatt, "National minorities as a model for cross-border integration: Lessons from Schleswig", In J. Beck, B. Wassenberg (eds)., *Grenzüberschreitende Zusammenarbeit leben und erforschen: Vol.5 Integration und (trans-)regionale Identitäten*, Stuttgart, Steiner Verlag, 2013, p. 301-320.

[19] See N. Paŭn, S. Schirmann (eds.), *Borders, Identities, communities. The Road to Reconciliation and Partnership in Central and Eastern Europe*, Baden-Baden, Nomos, 2016.

[20] B. Wassenberg, "The Schengen Crisis and the End of the 'Myth' of Europe without Borders", *Borders in Globalization Review*, vol. 1, Issue 2, 2020, p.30-39.

[21] S. Saurugger, "Crise de l'Union européenne ou crise de la démocratie", *Politique étrangère*, 1, 2017, p.23-33.

[22] B. Wassenberg, "De-bordering (Re-)bordering in the EU during the 2015 Migration Crisis: the End of a 'Europe without borders'?", In M. J. Carpenter, M. Kelly, O. Schmidtke (eds.), *Borders and Migration in Canadian Comparative Perspective,* Ottawa, University Press, 2023, p. 121-147.

suspending the Schengen agreement for an unlimited time[23]. The return of more or less systematic border controls at the internal and external borders of the EU had led to a prevailing logic of re-bordering, which endangered the principle of free movement within the Internal Market. Indeed, the phenomenon of re-bordering led to a revival of the "Westphalian" functions of the border in forms of border control and security provisions, which represented an obstacle to cross-border cooperation in Europe. The "barrier" function of the border was being reinforced and "the pertinence of the border" seemed to prevail[24]. One of the consequences of this crisis was also growing Euroscepticism and a new "fear of integration" which might even lead to the disintegration of the EU, as the Brexit referendum in 2016 largely confirmed[25]. During the Covid-19 pandemic, this Westphalian re-bordering effect was even more brutal, as the closure of the border was more or less complete: in most Member States of the EU, borders were being closed hermetically for the population during the first lockdown in spring 2020. This meant that the freedom of movement of European citizens based on the European citizenship was suspended until the border was re-opened progressively from mid-2020 onwards[26]. In some border regions this also led to resentment against the neighbours putting into question the successful reconciliation process, for example alongside the Franco-German border.

Thus, the comparative analysis carried out by the Frontem network finally revealed that the assumed models of border management and perception in the five border regions cannot be confirmed. At the Franco-German border, during the Covid-19 pandemic, resentments against the neighbouring border population were apparently stronger than, for example, at the German-Polish border and it can thus hardly be argued that Franco-German cross-border cooperation can serve as a model of reconciliation for

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23 E. Brunet-Jailly, "Borders and the EU: The consequences of the Schengen crisis", Communication at the 2nd ABS World Conference, Budapest/Vienna, 10-14 July 2018.

24 See B. Wassenberg, (ed.), *Castle-talks on Cross-Border Cooperation. Fear of Integration? The Pertinence of the Border*, Stuttgart, Steiner Verlag, 2017.

25 B. Wassenberg, N. Suzuki (eds.), *Origins and Consequences of European Crises. Global Views on Brexit*, Brussels, Peter Lang, 2020.

26 Ch. Wille, R. Kanesu, (eds.), *Bordering in Pandemic Times: Insights into the COVID-19 Lockdown*, Thematic Issue, Bd. 4, Luxemburg, UniGR-Center for Border Studies, 2020.

Central Europe[27]. The model of the "invisible" border between Northern Ireland and Ireland has been largely put into question by the Brexit process, where the Protocol on Northern Ireland had to shift the "border" into the Sea in order to avoid a re-bordering process on land and the revival of conflict[28]. The German-Danish model of cross-border minority management is also questionable, as its implementation by means of "parallelism" or "peaceful coexistence" does not really correspond to the objective of cross-border integration or the objective of a "Europe without borders", if borders between the Danish and German minorities are carefully being maintained[29]. Its transposition to other border regions with minority issues remains doubtful as the Hungarian-Rumanian border region illustrates: cross-border cooperation is being supported here mainly on the Hungarian side and might be interpreted as a way to reincorporate a population lost by the borders traced by the Trianon Treaty of 1919. The model character of the Hungarian-Rumanian cross-border cooperation for Central Europe could therefore also be questioned, especially since its main motivation seemed at the time to be the prospect of membership in Schengen, which was felt as a potential solution for all cross-border problems, although there is no proof for this in terms of changing trends of mobility, perception of neighbours, etc. [30]

The Frontem network has therefore rather shown that there is no single model of cross-border cooperation within the EU, but rather a plurality of configurations, depending on the historical, political and territorial contexts specific to each region[31]. On the one hand, this approach challenges the

[27] E. Opilowska, "Resilienz grenzüberschreitender Zusammenarbeit im deutsch-polnischen Grenzgebiet in europäischer Perspektive", In D. Brodowski, J. Nesselhauf, F. Weber, *Pandemisches Virus- nationales Handeln. Covid-19 und die europäische Idee*, Wiesbaden, Springer, p. 193-215.

[28] A. Soares, "The Visible Invisible Border: Reflections on the Frontem Focus Group Discussions on Mobility across the Ireland- Northern Ireland Border", In B. Wassenberg, *Frontières en mouvement (Frontem), op.cit.*, p. 287-313.

[29] R. Tarvet, M. Klatt, "The impact of the Corona crisis on borderland living in the Danish-German border region with a special focus on the two national minorities", *National Identities*, 2021, p. 1-18.

[30] M. Benczin, G. Ocskay, "The evolution of cross-border cooperation in Hungary", *Észak-Magyarországi Stratégiai Füzetek,* vol.18, n°2, 2021, p. 54-67

[31] B. Wassenberg, "Conclusion", In B. Wassenberg, *Frontières en mouvement (Frontem), op.cit.*, p. 621-635.

normative vision of a gradual convergence towards a uniform model of territorial integration and highlights the persistence of differentiated approaches. It confirms that European borders remain deeply shaped by their history, whether in terms of past conflicts, ideological divisions or national trajectories. On the other hand, it highlights the decisive role of local and regional actors in building cross-border cooperation, particularly within the framework of multi-level governance. Finally, it highlights the impact of contemporary crises, such as Brexit or the Covid-19 pandemic, in the reactivation of borders and the questioning of the achievements of integration. Thus, far from being permanently open spaces, European borders appear to be dynamic entities, capable of closing or reconfiguring themselves depending on the circumstances[32].

Within this broader context, Central and Eastern Europe occupies a special place. It is a region where borders were radically redrawn during the 20th century, following the two world wars, the territorial changes resulting from the peace treaties and the division of the continent during the Cold War. After 1989, these borders underwent a gradual transformation, shifting from a role of rigid separation to that of an interface for exchange within the framework of European integration. However, this evolution remains marked by significant discontinuities. As the academic literature highlights, the effects of borders remain more pronounced there than in certain regions of Western Europe, due in particular to differences in economic development, inadequate infrastructure or persistent administrative barriers[33].

The border between Romania and Hungary provides a particularly illuminating case study in this regard. As a result of complex territorial realignments, particularly following the Treaty of Trianon, it has long been perceived as a dividing line marked by political and identity-related tensions. During the socialist period, it was strictly controlled and served as a strict barrier, despite both States belonging to the Eastern Bloc. It was only

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32 *Ibid.*

33 See J. W. Scott, *EU enlargement, region building and shifting borders of inclusion and exclusion*, New York, Routledge, 2016; J. W. Scott, "Borders, Border Studies and EU Enlargement", *European Journal of Social Theory*, In D. Wastl-Walter, (ed.), *The Ashgate Research Companion to Border Studies*, New York, London, Routledge, 2011, p. 123-143.

from the late 1980s and the post-communist transition process that this border gradually evolved into a space for interaction and cooperation[34].

However, this transformation remained incomplete for a long time. Despite the accession of Hungary (2004) and Romania (2007) to the EU, the border continued to create barriers, particularly due to the lack of full integration into the Schengen Area. Border controls have thus restricted the free flow of movement and hindered the development of a truly integrated cross-border area. Against this backdrop, the Frontem network put forward the hypothesis that integration into the Schengen Area would be a key factor in strengthening cross-border cooperation, by reducing barriers to movement and fostering economic and social interactions. One explanation for the Romanian-Hungarian situation is the persistence of a Magyar irredentism nostalgic for a Greater Hungary, present mainly on the far right but also within Fidesz, the ruling party of the former Prime Minister Viktor Orbán for over sixteen years.

The international conference *"The World We Live In: Models and Perspectives of Cross-Border Cooperation in Central-Eastern Europe"*, held in Cluj-Napoca in November 2025 as a prolongment of the Frontem network, was a direct continuation of these discussions. It came at a pivotal moment, marked by a major shift in the European landscape: Hungary's and Romania's integration into the Schengen Area. As highlighted in the conference presentation, this development is likely to generate a new dynamic in cross-border cooperation, by strengthening exchanges and facilitating mobility. It therefore invites us to rethink the analyses produced as part of the Frontem network, taking into account the transformations currently underway.

This book is precisely situated at the intersection of these two timeframes. On the one hand, it builds on the findings of the Frontem network, offering a comparative analysis of models of cross-border cooperation in Europe. On the other hand, it takes into account recent developments linked to the integration into Schengen, focusing on the new opportunities opened up for the border regions of Central Europe. This dual

[34] N. Păun, E.-A. Tămaș, "Changing Borders, Shifting Paradigms. The Rumanian-Hungarian Border", In B. Wassenberg, *Frontières en mouvement (Frontem), op.cit.*, p. 529-555.

approach allows for a combination of retrospective and prospective analysis, highlighting both the continuities and the discontinuities in the dynamics of cooperation.

The contributions brought together in this volume reflect the diversity of the issues addressed during the conference and demonstrate the richness of the approaches employed. They can be grouped into several complementary thematic strands, which help to structure the analysis whilst accounting for the plurality of perspectives.

The first section focuses on the transformations of the Schengen Area and its implication for the countries of Central and Eastern Europe. The contributions by Anamaria Ianoși and Alida Pal analyse the accession criteria and the challenges associated with Romania's integration, highlighting the institutional and political issues at stake in this process. Enya Ujvári-Tămaș's contribution, meanwhile, offers a 'bottom-up' approach, examining local perceptions of Schengen through the case of Satu Mare County. These analyses show that European integration cannot be fully understood without taking into account the experiences and perceptions of local actors.

A second strand focuses on the comparative dynamics of cross-border cooperation in Europe. The contributions by Elzbieta Opilowska and Peter Ulrich, centred on the German-Polish border, examine the effects of recent processes of re-bordering, particularly in the context of contemporary crises. They highlight the capacity of local actors to develop resilience strategies, whilst emphasising the limits of these dynamics in the face of national State logics.

A third axis concerns the legal and institutional aspects of cross-border cooperation. The work of Sergiu Cârlan, Ionuț Borlan and Melinda Benczi addresses specific issues such as international child abduction, the execution of the European arrest warrant and legal accessibility in times of crisis. These contributions illustrate the complexity of the relationship between national legal systems and highlight the challenges associated with building an integrated European legal space.

A fourth and final strand focuses on the issues of governance and inclusivity in regional cooperation initiatives. The contributions by Mircea Brie and István Polgár shed light on the conditions for the legitimacy of cooperation projects in South-East Europe, emphasising the role of local actors, regional institutions and participatory dynamics.

Far from forming a homogeneous whole, these contributions reflect a diversity of approaches and fields of analysis, yet they all converge on a single question: how should we consider cross-border cooperation in a context marked both by the deepening of European integration and by the persistence — or even the return — of borders? In this sense, this book is fully in line with contemporary debates on the future of Europe and the role of borders in a changing world. Ultimately, the Romanian-Hungarian border appears to be a prime vantage point for observing the transformations currently underway. It illustrates both the progress made in terms of cooperation and the persistent limitations of European integration. Entry into the Schengen Area undeniably opens up new prospects, but it cannot, on its own, erase historical legacies or existing asymmetries. Rather, it invites us to rethink borders as dynamic spaces, in constant flux, at the heart of the political, economic and social challenges facing contemporary Europe.

Tools and Practices of Judicial Cooperation in Criminal Matters in Europe, the Role of States in Combating Cross-Border Crime

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Abstract: *T*he dynamics of judicial cooperation in criminal matters at the European level highlight the evolution of tools for combating cross-border crime, in a context where criminal networks rapidly exploit the fluidity of borders, thus witnessing the reconfiguration of forms and instruments of collaboration between states, from traditional judicial assistance to the principle of mutual recognition of judicial decisions. Special attention is given to Joint Investigation Teams (JITs). The article evaluates the effectiveness of these teams in facilitating real-time information exchange and coordinating complex criminal prosecutions, demonstrating how their use reduces bureaucracy and optimizes state resources. It becomes almost evident that the success of combating serious crime depends on the integration of these operational practices into the judicial routine of each member state.

Keywords: *criminal judicial cooperation, cross-border crime, Joint Investigation Teams (JITs), mutual recognition*

J.E.L Classifications: **K14, K33, K42**

1. Introduction

Judicial cooperation in criminal matters, beyond representing the process of collaboration between the judicial authorities of the Member States to ensure security and to prevent and combat crime, also constitutes a necessity from the perspective of fighting criminality. Therefore, judicial cooperation in criminal matters is based, on the one hand, on the principle of mutual recognition and, on the other hand, involves an intensification of state collaboration in the fight against crime.

It is evident that the socio-economic dynamics within the European Union, especially the free movement of persons, has, in addition to its positive aspects, generated an increase in cross-border crime, becoming almost a phenomenon to which states had to find an adequate and efficient response.

As a result of this increasingly concrete threat, the fight of European states against cross-border crime required the adoption of a legal framework at the level of the European Union and the Member States that would provide efficient legal tools for collaboration in combating crime and that would equally ensure respect for fundamental human rights and freedoms and the procedural guarantees provided by the European Convention on Human Rights.

In this context, the Treaty of Lisbon (1) produced essential changes, creating a clear and more extensive legal basis for the Union's actions in the field of judicial cooperation in criminal matters, allowing the transition from predominantly intergovernmental cooperation to common normative instruments. Furthermore, the Treaty consolidated the international mechanisms necessary for the implementation of the principle of mutual recognition.

Thus, the Treaty of Lisbon – Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union includes a chapter dedicated to judicial cooperation in criminal matters.

According to Art. 82 of the Treaty of Lisbon, judicial cooperation in criminal matters within the Union shall be based on the principle of mutual recognition of judgments and judicial decisions, including the approximation of the laws and regulations of the Member States in areas concerning:

– the mutual admissibility of evidence between Member States;
– the rights of individuals in criminal procedure;
– other specific elements of criminal procedure, identified in advance by a decision of the Council (2).

European cooperation in criminal matters is based on a package of legal instruments (mutual recognition and assistance mechanisms), operative institutions, and procedural best practices that allow Member States to investigate, prosecute, and sanction cross-border crimes efficiently, while respecting fundamental guarantees.

The instruments function complementarily: some provide legal bases (for example, the European Arrest Warrant), others facilitate operations (such as Joint Investigation Teams – JITs), and others ensure the recognition and transfer of evidence (the European Investigation Order).

The main instruments through which judicial cooperation in criminal matters is carried out, as regulated both in community norms and in the national legislations of the states, are: extradition, the European Arrest Warrant, the transfer of criminal proceedings, international judicial assistance in criminal matters, the recognition of criminal judicial acts, international investigation procedures by Joint Investigation Teams (JIT), the European Investigation Order (EIO), the recognition of freezing and confiscation orders, etc.

2. Joint Investigation Teams (JIT)

One of the important instruments in the field of judicial cooperation in criminal matters, used in the fight against cross-border crime, is the Joint Investigation Team (JIT).

A joint investigation team is an instrument of international cooperation based on an agreement between competent authorities (both judicial — judges, prosecutors, investigating judges — and law enforcement) from two or more states, which operates for a limited period and for specific purposes, in order to conduct criminal investigations in one or more involved member states (4).

At the European Union level, there were a series of judicial documents containing provisions regarding joint investigation teams before states created a national framework for this cooperation instrument.

Thus, the 2000 EU Convention on Mutual Assistance in Criminal Matters (Art. 13), (5) and the 2001 Second Additional Protocol to the 1959 Convention on Mutual Assistance in Criminal Matters (Art. 20), (6), provide the conditions for establishing and operating a joint investigation team. It must be noted, however, that ratification by the member states took place over a longer period of time.

On September 21, 2001, the European Council, during an extraordinary meeting of the Justice and Home Affairs Council, called for more effective measures against international crime, particularly in the fields of terrorism and drug and human trafficking, which led to improved cooperation and information exchange between the authorities of the member states.

In this context, considering that more coordinated measures were required to combat international crime as effectively as possible, the Council adopted Framework Decision 2002/465/JHA on joint investigation teams. This resulted in the regulation at the Union level of a specific, legally binding instrument regarding joint investigation teams (7).

What makes joint investigation teams efficient and, at the same time, distinguishes them from other forms of judicial assistance is the manner of operation and the gathering of evidence by the joint investigation teams. Thus, in the event of a joint investigation team, the information and evidence obtained, in accordance with the national legal standards of the state where the team operates, can be transmitted directly, based on the agreement establishing the joint investigation team. In other words, in the case of joint investigation teams, it is not necessary to use traditional means of mutual legal assistance, as both the collection and the exchange of information and evidence are carried out directly.

On the other hand, members seconded to the team, specifically those coming from a state other than the one where the team operates, may participate in measures carried out outside their home states, provided they comply with the national criminal law provisions of the joint investigation team leader.

It is considered that the judicial cooperation instrument in criminal matters consisting of the existence of a joint investigation team facilitates the coordination of criminal investigations conducted simultaneously in several states, offering, at the very least, the premises for speed and efficiency of the procedure compared to traditional forms of mutual legal assistance.

It should be mentioned that not every cross-border investigation involves the existence of a joint investigation team; however, an agreement regarding a joint investigation team will allow for the direct collection and exchange of information and evidence, without the need to use traditional forms of mutual judicial investigation, such as letters of request or the European Investigation Order.

2.1. Establishment of the Joint Investigation Team

According to Art. 1 of Framework Decision 2002/465/JHA (7), a joint investigation team may be set up, in particular, where, in the course of investigating criminal offenses in a Member State, it is necessary to carry out difficult investigations involving the mobilization of significant resources that also concern other Member States (8). Likewise, the creation of a joint investigation team could take place if several Member States are conducting investigations into criminal offenses where the circumstances of the case require coordinated and concerted action in the respective Member States (9).

Therefore, there are two specific situations in which a joint investigation team can be established: the first involves requested cross-border investigations, and the second involves connected investigations requiring coordination (10).

Given the two aforementioned situations, the conclusion follows that only in the case of connected investigations requiring coordination does the text of the Framework Decision envisage the existence of parallel proceedings in all states involved for the establishment of a joint investigation team, whereas in the case of requested cross-border investigations, the existence of a criminal investigation in only one of the states involved is sufficient.

The procedures governing the operation of these teams, their composition, duration, location, organization, functions, purpose, and the conditions for the participation of team members in investigative activities are established by written agreement.

Through the Council Resolution on a model agreement for the establishment of a joint investigation team (JIT) (11), a model agreement was adopted for the purpose of facilitating the establishment of joint investigation teams. The model developed for joint investigation teams represents a common reference point that can be adapted by experts from the Member States, and is not binding.

In drafting the agreement on the establishment of a joint investigation team, Eurojust can provide support, through the national members of the involved states, regarding the discussion of the agreement's clauses.

An initial agreement on the operation of a joint investigation team may be amended by mutual agreement between the parties if it becomes necessary to modify the content, whether regarding the offenses under investigation, the involvement of another Member State, the extension of the team's duration, its composition, or its purpose.

2.2. *Structure and Operation of a Joint Investigation Team*

Each party to the agreement on joint investigation teams shall appoint:

- the leader(s) of the joint investigation team, in the event that the team carries out its activities on the territory of the respective state;
- the members of the joint investigation team who come from Member States other than the one on whose territory the team operates, being designated as "seconded" members to the team (12).

In addition to the parties, officials from other European Union bodies, members of Eurojust, Europol personnel, and OLAF personnel may participate under the conditions established in the agreement.

According to the provisions contained in the Eurojust Decision (13), the national member of Eurojust from the involved Member State, even if they are not a participant in the joint investigation team, should be informed by the competent national authorities about the establishment of such an investigation team.

2.3. *Operational Activities of the Joint Investigation Team*

The European legal framework provides certain coordinates, with the value of a principle, which guide the operational actions of the joint investigation team.

Firstly, the activities of the joint investigation team are carried out in accordance with the legislation of the Member State on whose territory it intervenes (14).

Seconded members are authorized to be present in the Member State where the intervention takes place when investigative measures are taken, unless the leader of the joint investigation team takes a different decision, in compliance with the national law of the territory where the team intervenes.

Seconded members may be mandated by the leader of a joint investigation team to carry out investigative measures, requiring the consent of the state where the operations take place and of the state that seconded them; furthermore, in accordance with the provisions of Art. 1 of Framework Decision 2002/465/JHA, where necessary, seconded members may request the competent authority of the state that seconded them to carry out investigative acts, which must comply with the provisions of national law in that matter.

The use of information exchanged within a joint investigation team is subject, in principle, to the rule of specialty; information may be used only for the purposes for which the team was established. At the same time, the subsidiary nature should also be noted; more precisely, information legally obtained by a member or a seconded member during their participation in a joint investigation team could not have been otherwise obtained by the competent authorities in the interested Member State.

Beyond the dynamism and efficiency of a joint investigation team in terms of obtaining information so necessary in the investigation of cross-border crime, the question is legitimately asked: how is this exchange reflected in national procedures?

As previously shown, the applicable European instruments provide that the operations carried out by a joint investigation team must comply with the legislation of the state on whose territory it is operating at that time. None of the applicable instruments provide for the admissibility of evidence collected by the team before the national courts of the states involved. This issue falls to the national courts, which are tasked with verifying the conditions of legality for the administration of evidence obtained by joint investigation teams, as well as their compliance with national legal protection standards, given that they were obtained on the territory of another state.

However, in practice, the admissibility of evidence collected within a joint investigation team represents one of the key aspects of the team's operational agreement; the responsibility for analyzing the compatibility and admissibility of evidence obtained by the team lies with the leader or a member of the joint team or Eurojust.

Anticipating potential admissibility issues and finding appropriate solutions are aspects recorded in the operational agreement of the joint investigation team, established prior to the collection of evidence.

In Romanian law, the provisions regarding joint investigation teams were transposed through Law 302/2004 on international judicial cooperation in criminal matters (15).

According to Art. 239 of Law 302/2004, joint investigation teams can be established and can function on the territory of Romania and other states for the purpose of facilitating criminal investigations.

The procedures governing the operation of these teams, as well as the composition, duration, location, organization, functions, purpose, and conditions for the participation of team members in investigative activities, are established by written agreement.

The agreement is concluded by the chief prosecutor or the prosecutor general of the prosecutor's office where the prosecutor conducting or supervising the criminal investigation works, if it was initiated in Romania, and in the situation where no criminal investigation is underway in Romania, by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice or a prosecutor designated by them.

In relations with states that are not members of the European Union, the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, or a prosecutor designated by them, is competent to conclude the agreement.

In the case of offenses which, according to the law, fall under the jurisdiction of the **Directorate for Investigating Organized Crime and Terrorism (DIICOT)** or the **National Anticorruption Directorate (DNA)**, the agreement is concluded by their respective chief prosecutors or by a prosecutor designated by them.

The activities of the joint investigation team on Romanian territory are carried out in accordance with the legal standards set forth by the provisions of Art. 239 of Law 302/2004 and Art. 548 par. 2 of the **Code of Criminal Procedure** (16).

Thus, according to Art. 239 par. 7 of Law 302/2004, the activity of the joint investigation team on Romanian territory is conducted according to the following general rules:

a) the leader of the team is a representative of the competent Romanian judicial authority;

b) the team's actions are carried out according to Romanian law.

Team members and seconded members perform their tasks under the responsibility of the team leader.

The acts of foreign seconded members of a joint investigation team, performed on the basis of and in accordance with the concluded agreement and the instructions of the team leader, have a value similar to acts performed by Romanian criminal investigation bodies (Art. 548 par. 2 Code of Criminal Procedure).

When the activity of the joint investigation team takes place on the territory of another state, if it is deemed necessary to perform investigative acts on Romanian territory, the Romanian prosecutor who is a member of the joint investigation team may request the Romanian authorities to perform those acts, according to Romanian law, without the other states having to submit a request for judicial cooperation — except in cases where the arrest of a person for extradition or surrender is requested, in which case the procedure for extradition or the European Arrest Warrant will be followed, according to the provisions of Romanian law.

Information ordinarily obtained by a member or a seconded member during participation in a joint investigation team, which cannot be obtained in any other way by the competent authorities of the states involved, may be used for the following purposes (17):

- For the purpose for which the team was created;
- To detect, investigate, or prosecute other criminal offenses, with the consent of the state on whose territory the information was obtained;
- To prevent an imminent and serious danger to public security and in compliance with the conditions mentioned in the previous paragraph;
- For other purposes, provided that this is agreed upon by the states that formed the team.

According to the Report of the Romanian National Member on the activity of the Romanian National Desk at Eurojust in 2023 (18), the aforementioned body provided assistance in a total of 1,066 cases and supported the creation and operation of 39 joint investigation teams, recording an increase compared to previous years.

The joint investigation team, as an instrument of international judicial cooperation, eliminates traditional forms of judicial cooperation, such as international letters rogatory or European Investigation Orders, and facilitates the rapid collection of evidence from different jurisdictions; it was used by Romania in 16 cases during 2023, thus ranking 2nd among states that concluded agreements regarding joint investigation teams (19).

The effectiveness of this cooperation instrument can also be inferred from the large number of teams supported by Eurojust. Thus, in 2023, Eurojust supported the establishment of 94 joint investigation teams, compared to 78 in 2022, and continued to provide assistance to 288 joint investigation teams active from previous years (20).

The vast majority of investigations carried out by joint investigation teams concerned offenses of deceit, computer fraud, the formation of an organized criminal group, human trafficking, drug trafficking, money laundering, etc.

Specifically, with the support of Eurojust, a joint investigation team was established between Romania and Ireland in July 2022. On April 25, 2023, the joint Romanian and Irish authorities, in close cooperation with Eurojust — which provided logistical and financial support and ensured the exchange of evidence, data, and information — proceeded to carry out 38 home searches, with preventive measures ordered for 8 defendants (21).

The operation targeted the investigation of criminal activities carried out by an organized criminal group operating in Romania and Ireland, consisting of actions specific to the offenses of human trafficking, drug trafficking, pimping, and money laundering. Victims were recruited from Romania and transported to Ireland, where they were sexually exploited. The victims were also used to sell drugs to customers.

The criminal activity generated large sums of money for the criminal group, which the members used to acquire luxury cars and real estate properties in Romania.

To hide the origin of the money, the defendants used complex financial circuits, involving intermediaries who facilitated rapid money transfer operations into various accounts opened in their names. Additionally, the group members, through established companies, attempted to launder the proceeds obtained from the commission of crimes.

Under the coordination of Eurojust, national authorities seized numerous material pieces of evidence and froze various movable assets; in Romania, this included 10 cars, one motorcycle, and sums of money.

On October 11, 2023, the Directorate for Investigating Organized Crime and Terrorism — Gorj Territorial Office ordered the indictment of 10 defendants, with 8 in preventive custody and 2 under judicial control.

Starting from the need to streamline investigative activities, particularly regarding the fight against cross-border crime, the European Parliament and the Council of the European Union, recognizing the value and effectiveness of actions carried out by joint investigation teams, adopted Regulation (EU) 2023/969 of the European Parliament and of the Council of 10 May 2023 establishing a collaboration platform to support the functioning of joint investigation teams and amending Regulation (EU) 2018/1726 (22).

This legislative endeavor aims to create a centralized IT system for the temporary storage of data at a central level, secure communication software, and relevant IT connections and tools to support joint investigation teams.

Furthermore, according to the Regulation, the platform will facilitate:

- The coordination and management of joint investigation teams for specific, time-limited criminal investigations;
- The rapid and secure exchange and storage of operational data;
- Secure communications for instant messaging, chat, audio, and video conferencing;
- The traceability of evidence exchanges;
- The evaluation of the joint investigation team.

The Regulation has applied since June 6, 2023, and the platform will be operational by December 7, 2025, at the latest.

2.4. Overlaps and Distinctions between Joint Investigation Teams and the European Investigation Order

Also in the context of the fight against cross-border crime, within the Stockholm Programme adopted by the European Council on December 10-11, 2009, it was considered necessary to establish a comprehensive system for obtaining evidence based on mutual recognition.

This new approach is based on a single instrument called the European Investigation Order (EIO).

A European Investigation Order is to be issued for the purpose of carrying out one or more specific investigative measures in the state executing the European Investigation Order (the "executing state") in order to gather evidence, including evidence that is already in the possession of the executing authority (23).

According to **Directive 2024/41/EU**, the European Investigation Order should have a horizontal scope and, consequently, should apply to all investigative measures intended for gathering evidence. The establishment of a joint investigation team and the gathering of evidence within such a team require specific rules, which are more efficiently addressed separately.

Therefore, without there being a hierarchy of cooperation instruments in criminal matters, the efficiency of the activity carried out by joint investigation teams led to the maintenance of the existing legal framework regarding the obtaining of evidence within joint teams, representing an **exception** to the provisions applicable to the European Investigation Order.

This aspect was expressly regulated both by Directive 2024/41/EU and by **Law 302/2004** on international judicial cooperation in criminal matters, in which, under Section 6, through national law, Romania transposed the content of the aforementioned Directive.

According to **Art. 328 par. 2 lit. a**, the European Investigation Order is a judicial decision of a Member State issued for the purpose of carrying out one or more specific investigative measures in another Member State to obtain evidence or to transmit evidence already in the possession of the competent authority of the executing state. The European Investigation Order includes any investigative measure, **with the exception of the establishment of a joint investigation team** and the gathering of evidence within a joint investigation team established according to the provisions of Art. 13 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and Council Framework Decision 2002/465/JHA, unless the purpose is the application of Art. 13 par. 18 of the Convention and Art. 1 par. 8 of the Framework Decision, respectively.

The premise of the European Investigation Order presupposes the conduct of a criminal trial in a Member State of the European Union during which it is necessary to obtain or administer means of evidence from another Member State. The European Investigation Order is issued by the state where the case is being investigated for the purpose of obtaining and transferring evidence, and is subsequently executed by the state where the evidence is located.

As in the case of evidence obtained by joint investigation teams on Romanian territory, the acts issued and measures taken by the Romanian judicial authorities in the execution of the European Investigation Order are subject to the legal remedies provided by the Code of Criminal Procedure; however, the substantive grounds for issuing the European order may only be challenged before the issuing authority.

3. Conclusion

In other words, Member States are both the "builders" — through implementation and capacity — and the "guardians" — through guarantees and judicial control — of international criminal cooperation. Specifically, efficiency without guarantees can erode trust, while guarantees without efficiency render cooperation inoperative.

Therefore, the difficult task remains for states to find adequate responses and to keep the path of cooperation open, adapting judicial assistance instruments to the constant challenges arising from criminality, which is becoming increasingly diverse and dangerous for society.

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Profiling and Data Risks in Music Streaming: Legal, Communication, and Security Challenges

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Abstract: Algorithmic profiling is increasingly used by music streaming platforms to personalize user experiences, raising significant legal, security, and communication challenges. This particular study can be considered an interdisciplinary effort that attempts to explore the correlation between the communication practices and users' privacy rights on music streaming services as well as on "Internet of Things" devices. From the legislative side, the CCPA, which has been reinforced by the CPRA in the United States, as well as the GDPR in the European Union, requires more transparency, consent, and limited use of the data. From the angle of communication sciences, this study aims to explore aspects related to the issue of information asymmetry, lack of transparency, and the potential erosion of user trust, especially when users are made less aware either of the analysis of their listening habits for the purpose of music recommendation, or the vulnerability of their Internet of Things devices that may be exploited for data breaches. The novelty of this research lies in the fact that the study focuses on the issue of consent, together with the issue of transparency, both considered from a legal perspective, but also in a communication framework. We can illustrate this through examples related to the lack of consent-request clarity, or the lack of transparency on data use practices. By analyzing the profiling process on music streaming platforms, we can establish which points may create tension, starting from the legal side, and then going toward communication aspects and to the security aspects related to the use of the Internet of Things for data gathering. In the music streaming business, according to this study, data processing that takes into consideration both compliance with the law, but also one that remains transparent and easy to understand, may be necessary for the coexistence of law and practice.

Keywords: *communication challenges, legal challenges, music streaming, privacy law, profiling, preventing illegal access*

J.E.L Classifications: K23, D83, L86, K2, L15

1. Introduction

Music streaming is nowadays essential for digital media consumption, and one of the most representative features of the current music industry. Today's music streaming platforms use profiling to analyze and then personalize what users listen to, thus improving their listening experience, but also leading to ambiguities and obstacles with regard to legality, communication and security challenges. Specifically, those who use streaming platforms to listen to music do not fully understand how their data is collected and used, and the platforms in question must comply with confidentiality rules and protect this data. For this reason, an interdisciplinary perspective becomes useful and even vital, combining law and communication and security elements.

Services like Spotify or Apple Music use software to suggest songs people will enjoy, based on data such as what music they already listen to (Bartlett et al., 2022). These platforms basically track users to analyze how they listen to music, how they create playlists, which songs they skip, and so on, later using this data for technologies that will keep them engaged and loyal to the platform. (Bartlett et al., 2022; Eff, 2025). However, when companies or entities collect such data, a variety of privacy, legal, and security risks arise. However, to ensure that the above-mentioned risks are not realized, regulations and laws like the GDPR regulation in Europe or the CCPA and CPRA act in the United States ensure that consent and data usage are clearly defined and are more or less mandatory (Todd et al., 2024; Dallos and Konieczka, 2025). Yet, even after the existence of these regulations and laws, a person may wonder or may not understand how the content that one listens to currently will decide the recommendations that will be provided to them afterward, thus resulting in a lack of trust and information asymmetry (Rasel et al., 2025; Bartlett et al., 2022). In addition, listening to music through smart devices adds new vulnerabilities, such as the disclosure of their personal information.

This paper aims to examine these issues from an interdisciplinary perspective, contributing to a better practical and academic understanding of consent mechanisms in terms of law, communication, and security. First, we review the theoretical context of music recommendation systems, the requirements of privacy legislation, communication concepts, and issues such as transparency and trust, and IoT security concerns. Next, we discuss a case study of the music streaming service Spotify to demonstrate the challenges that exist between algorithmic profiling, user communication, security, and legal requirements. Finally, we offer a comparative analysis of user communication, security, and privacy laws, and conclude with helpful recommendations to align user communication with security measures and legal requirements.

2. Literature Review

2.1. Music Profiling and Personalization

These days, how we hear music isn't just about picking songs, it is actually a feedback loop influenced by what we enjoy and how platforms such as Spotify operate and use this data. These streaming platforms employ methods like collaborative filtering and content analysis to suggest new tracks (Bartlett et al., 2022).

This entire process is closely linked to profiling, the mechanism responsible for these suggestions and recommendations received by users. Profiling is the automated processing of personal data to evaluate, predict, or infer characteristics of a person, such as tastes, behaviors, and preferences, and then use those in decision-making or automated outputs (European Union, 2016). If many people include identical songs on their personal playlists, the service notices this overlap and then shares related music with similar listeners. We, as the streaming platform users, shape these systems all the time, even without realizing it, by what we skip, like, or save (Bartlett et al., 2022; Eff, 2025). This feedback loop is capable of instilling a strong sense of personalization in users, who feel seen and understood when these recommendations match their tastes (Eff, 2025).

However, there might be quite a few negative effects of deep personalization. Over-reliance on recommendation engines constrains the publicity of alternative music and forms bubbles in which discovery is restricted (Eff 2025). The way the algorithm chooses to recommend music is often difficult to understand, and although Spotify, for example, mentions some third-party effects on recommendations, its terms of service and privacy statement in some cases might not clearly and concisely explain how data is used for recommendations (Bartlett et al., 2022; Spotify, 2025). Such a lack of transparency can lower confidence, since users provide a great deal of information but hardly ever observe how they are treated (Hanania, 2022; Mazziotti & Ranaivoson, 2024).

Moreover, the area of music streaming is more and more intertwined with the field of IoT security. More specifically, the use of smart speakers, wearables, and even vehicle connections enhances the level of personalization, yet simultaneously entails new threats, which may range from data violation to other forms of unauthorized use of these devices (Romanosky, 2016; Jeon, 2022; Ifeji & Adeniji, 2023; Tokas et al., 2023). In this manner, it may be argued that these services have the responsibility to achieve the right balance between the level of the user experience and the safeguarding of both the latter and the corresponding level of security and confidentiality, in this manner mentioning the need for an interdisciplinary approach which attempts to reconcile all these aspects, including algorithmic transparency, the level of communication clarity, and adherence with the legislation and the respective applicable regulations (Mazziotti & Ranaivoson, 2024).

Overall, we can say that streaming platforms use a very large amount of data from their users to offer them more personalized experiences in return, but the profiling mechanisms are often hidden or misunderstood by people. Such information asymmetry therefore forms fertile ground for arguments over communication, trust, and legal issues of compliance, framed in the following sections.

3. Legal Dimension

Algorithmic personalization for streaming is all carried out within a sound legal framework for data protection. In the European Union, the GDPR (European Union, 2016; Todd et al., 2024) is the most prominent regulation, with very strict rules on the processing of personal data, which is generally defined as any information related to an identifiable natural person. Transparency, consent, purpose limitation, and data minimization are some of the main principles of the GDPR (Dallos & Konieczka, 2025). In practice, platforms must clearly inform users what data is being harvested, why it is being harvested, and how it is being done. Consent must be informed, voluntary or free, and without ambiguity (Dallos & Konieczka, 2025) in order for users to make an effective choice, not under coercion or with hidden commitments. Users also enjoy access rights and erasure rights, allowing them to request copies of their personal data or request erasure. Profiling, basically an automated decision-making system, can considerably influence users, even if music recommendations in practice are most often low-risk. In the United States, there is less coordinated privacy law, but it is evolving. The CCPA (California Legislative Information, 2018) and later replaced by the CPRA (California Privacy Protection Agency, 2023) gives rights to consumers, emphasizing transparency, access to information, and the right to opt out of their personal data being shared. The CPRA further builds upon the CCPA by giving and defining new rights, such as correcting misinformation, governing personal and sensitive information, geolocation, and even biometric data, which is becoming increasingly prevalent in today's society. These acts essentially compel these platforms to disclose what they collect, why, and to whom or what they share it with (Todd et al., 2024; Cookiebot, 2023). In theory, these platforms, such as Spotify, should have a mechanism in place to ensure that the legal requirements and standards are met, that users have a simple and easy way to opt out of sharing their personal information or that they can easily manage it.

Regulation also overlaps with IoT concerns. Although the US IoT Cybersecurity Improvement Act (2020) refers to government-bought devices, it shows growing expectations of a proper security and functionality balance from networked devices (Stransky & Brosky, 2020). Therefore, streaming services must consider not only user consent under the GDPR or

CPRA, but security expectations with regard to networked speakers, smart TVs, and car systems.

Challenges still remain, since consent is typically embedded in dense, legalistic notices, and so it is difficult for users to understand what exactly they are consenting to. IoT devices are still inadequately regulated in this respect, with gaps emerging in the area of security and accountability (Romanosky, 2016). The €5 million fine imposed on Spotify by the Swedish DPA in June 2023 is indicative of this, as the company allegedly failed to provide clear explanations in simple language to users who had exercised their GDPR rights, even when those rights had been exercised (European Data Protection Board, 2023). This is an indication that the company might not doing enough to comply with the law and that it is time for the company to make consent more transparent, clear, and enforceable.

The GDPR and CCPA/CPRA are pushing the streaming industry towards a culture of transparency and accuracy in the processing of user data. A company's violation of these values will cost it money, in the form of fines, as well as in lost user trust. Therefore, in effect, the legal element is very important when considering the analysis of music streaming, whereby websites need to balance legal compliance, transparency in communication, and technological security in the increasingly digital world we live in.

4. Communication Dimension

Another factor that we have to consider is communication. The problem starts with information asymmetry, and we have knowledge that users often do not understand how profiling and personalization work, so they do not know how much data is collected and for what reasons (Hanania, 2022; Mazziotti & Ranaivoson, 2024). Platforms also have an asymmetric level of knowledge about their algorithms and data streams, which can be a source of potential power imbalance and compromising fairness perceptions (Tokas et al., 2023).

Other than that, the issue of transparency is another issue that adds to this challenge. This is because consent and privacy documents and notices are usually long and not comprehensible, thereby making it difficult for the user to meaningfully consent (Dallos & Konieczka, 2025). Even when websites, for example, offer tools to control how data is used, these may be complicated to implement, or may involve paying for an experience free of personal data processing. That diminished transparency undermines awareness and voluntary consent, domesticating the practical effect of legal safeguards.

All this results in the degradation or erosion of trust since the practices are opaque or unclear, and users will end up being deceived instead of being aided and will lack engagement in the platform functionality and sharing processes (Mazziotti and Ranaivoson, 2024; Hanania, 2022). Trust is among the fundamental factors in the personalization of services since if it is missing, users might leave the platform regardless of the quality of recommendations (Eff, 2025).

From a communication science perspective, privacy and consent are not merely legal documents that the user simply signs off on, but fundamental elements of the user-platform relationship. Empirical research suggests that procedural fairness, namely how recommendations are generated, affects the degree of trust (Hanania, 2022; Mazziotti & Ranaivoson, 2024). Transparency is what users demand and what they should be informed about: whether and how their playlists are shared with advertisers or corporations or whether their listening habits would harm the diversity of recommendations they are entitled to in return. Rasel et al. (2025) show that where a lack of transparency exists in the algorithmic process, it is difficult for users to fully understand or assess the fairness of such technology. This therefore makes transparency important within the level of communication of the automated decision-making processes.

Transparency is therefore essential. Consent forms and privacy notices should be a dialogue, i.e., companies should explain why data is collected, how it is used, and how it will serve the user in terms as uncomplicated as possible. GDPR, for example, requires information to be clear, concise, simple, and easily accessible (Dallos & Konieczka, 2025). Swedish regulators have highlighted the failure of Spotify to make technical data logs available in a usable manner to users, illustrating the harm that can be caused by poor communication (European Data Protection Board, 2023). Communication is not only key to compliance, but is also a driver of competitive advantage, giving the impression of equity and encouraging engagement (Dallos & Konieczka, 2025; Tokas et al., 2023).

In addition, collaborative features, such as creating shared playlists, also manage to highlight potential communication issues related to security and its perception. This is because, for example, a lack of trust in the handling of personal data may impact or restrict engagement within the community, leading to the avoidance of any form of collaboration and playlist sharing. Thus, the social utility component of this type of platform can be affected (Mazziotti & Ranaivoson, 2024). Briefly put, communicative clarity mediates technical and legal processes. It stretches to how users regard privacy and personalization, namely, transparent communication generates trust, but opaque practice fosters distrust. Key challenges are reducing information asymmetry to create consent that is informed and offering privacy options so that users comprehend and act on. They dictate to what extent privacy legislation achieves its objectives in practice (Rasel et al., 2025).

5. Security/IOT Dimension

Music streaming is also being included in Internet of Things (IoT) devices, such as smart speakers, sound systems, and smart appliances that can play music (Stransky & Brosky, 2020; Amos, 2025; Jeon, 2022). These IoT endpoints basically collect information such as voice commands and listening history and send it to a cloud service. While this seems convenient for all parties involved, they also manage to introduce new security issues and vulnerabilities, as many IoT devices do not have sufficiently strong hardware and software protections (Stransky & Brosky, 2020; Amos, 2025; Jeon, 2022). Analysts note that these devices are more vulnerable to cyberattacks than traditional technological devices that lack the features and processing power to run antivirus software or firewalls (Stransky & Brosky, 2020).

The most common vulnerabilities include unmodified default passwords, insecure communication protocols that lack encryption, and hidden maintenance backdoors (Stransky & Brosky, 2020; Amos, 2025). This allows an attacker to use the infected streaming device to gain access to the user's home network. Bitdefender researchers demonstrated this with a Wi-Fi audio receiver: it broadcast an open-configuration network with Telnet access secured only by default credentials. By attacking this device, attackers gained root control and captured the home Wi-Fi password (Gheorghe, 2016).

In effect, the smart speaker has become a backdoor to the entire home network. Today, these devices are used by the millions. In 2022 alone, over 100 million cyberattacks on IoT devices have been identified globally (Amos, 2025). Smart home devices are often designed to be convenient and increase comfort at the expense of security, which can jeopardize privacy and even financial data (Amos, 2025; Jeon, 2022)

In terms of music streaming, this type of risk can be exemplified by the interception of listening behaviors or even the theft of account access credentials. More precisely, if the smart speaker has low-quality software, an attacker may obtain an OAuth token to allow them to log in to that Spotify account and take full control. The chain of trust will fail if any link in the chain is insecure. An IoT security breach may expand to the entire platform in various ways, for instance, through using hijacked smart speakers to attempt to breach Spotify accounts, as security predictions suggest (Cybergen Security, 2025).

Privacy laws intersect here as well. According to GDPR (Art. 32), data processors and controllers must implement appropriate technical and organizational measures to protect personal information. This also implies that companies should integrate security into design as part of this (Ifeji & Adeniji, 2023; Jeon, 2022). Legislators have taken note of this, as the U.S. IoT Cybersecurity Improvement Act of 2020 requires government-purchased devices to meet NIST security standards (Stransky & Brosky, 2020), and many U.S. states now require a reasonable level of security and security features on IoT devices. The proposed Cyber Resilience Act by the EU would make more stringent security standards mandatory for consumer devices. This means that streaming services would be able to restrict the use of certain functionalities for insecure devices, for instance, or force manufacturers to follow more stringent security standards.

In conclusion, IoT devices expand not only the availability of streaming but also its risks. It is not just a matter of personal concern but of pressing global implications to resolve security issues alongside those of data protection. A secure platform has to form an integral part of privacy because platforms can inform consumers of security steps taken on their behalf through end-to-end encryption or updates in an attempt to promote greater privacy through transparency. Yet again, a truly secure privacy can only be achieved through practical hardware and network security of IoT devices engaged in streaming activities (Romanosky, 2016; Ifeji & Adeniji, 2023; Jeon, 2022).

6. Literature Summary

From a legal perspective, we see that the law requires openness and explicit consent. However, from a communication perspective, the issue that matters most is the manner in which this openness is conveyed to the users. The security feature brings in an additional layer of complexity, which discloses real technical risks, especially when it comes to the IoT. Consent and transparency clearly extend past the legal aspects. They must also be a form of communication accessible to the user.

When these dimensions do not align, the result is gaps in legal compliance, IoT device security, and trust.

7. Research Questions

Given the context, our study is guided by three main research questions:

RQ1. How do legal requirements (GDPR, CCPA/CPRA) align with user communication practices?

RQ2. Where do tensions arise between consent as law vs. consent as communication?

RQ3. How do Spotify's profiling and IoT integrations illustrate these tensions?

First, we ask how legal requirements, such as those in GDPR and CCPA, align with users' actual communication practices on streaming platforms. Second, we explore where tensions arise between consent as a legal obligation and consent as a communicative act, or in other words, what happens when the law says one thing, but the way platforms explain it to users doesn't really match. Finally, we focus on practice through Spotify as a case study, asking how profiling mechanisms and IoT integrations expose these tensions. Together, these questions help us identify intersections and gaps between law, communication, and security.

8. Methodology

This work uses a qualitative case study methodology (Yin, 2018; Baxter & Jack, 2008) and chose Spotify as its main platform because it is one of the leading platforms in the international music streaming market, and it is often offered as an example in literature on music streaming. The case study method is suitable for in-depth investigation of real-world, complex issues (Yin, 2018), enabling analysis of the interaction between legal, communicative, and security aspects of user consent and transparency.

Data were limited to publicly available documents, and no user data were collected. Analysis used deductive thematic coding aligned with the three dimensions (law, communication & security) and the research questions. The case study defines the research design, while deductive thematic coding is used as the analytic technique applied to the selected materials.

The research process followed a three-part structure. First, we collected information based on the official documents of Spotify (Spotify, 2025) and relevant information with respect to privacy guidelines, consent forms, or legislation such as GDPR or CCPA/CPRA. Second, we systematically read the available documents with the help of drawing on insights from relevant literature to guide examination of consent and transparency requirements in practice. This approach ensured that the analysis was both descriptive and consistent with established methods in the field. Thirdly, a comparison of results between legal, communication, and security/IoT aspects is performed in order to identify tensions, gaps, and risks.

9. Results

Spotify, as one of the leading music streaming platforms, exemplifies many of the challenges we examine. Its privacy and terms documentation acknowledges recommender systems (Spotify, 2025), but Bartlett et al. (2022) find that these documents are legally ambiguous and do not contain clear details about the streaming platform's use of artificial intelligence and user data. Spotify also encourages user interactions, such as skipping or liking songs, that feed into recommendation models, often without explicitly explaining to users how these signals feed the algorithm. Given its importance and complexity, Spotify serves as a strong argument for our findings based on dimensions of IoT law, communication, and security.

10. Spotify and The Law

From a legal perspective, analyzing Spotify reveals some interesting trends. Within the European Union, Spotify states that it is GDPR-compliant (Spotify, 2025), yet its terms of use run long, technical, and difficult to understand by ordinary users. Within America, the law is much weaker and fragmented, and provides much less harmonized protection between jurisdictions. In each location, consent mechanisms are ambiguous, and it is unclear whether or not users really do comprehend what they are consenting to. Dallos and Konieczka (2025) similarly observed that while Spotify lists the categories of data it collects, such as listening history and device IDs, it has kept the process clearly hidden from view. In practice, Spotify often informs users what categories of data are collected, but not how these data translate into recommendation results. The Swedish enforcement action underscores this shortcoming. In cases where the users had exercised their rights to access as provided by the GDPR, it was established that Spotify had not sufficiently explain the details of the data processing practices in an easily understandable manner (European Data Protection Board, 2023).

The legal risks are further complicated by security concerns, and as discussed by Romanosky (2016), cases of cybercrime and security breaches lead to both technical and reputational damage. Additionally, challenges may be presented by the regulations, and possibly inadequate protection and/or implementation may lead to a violation of privacy.

Spotify provides certain user controls, such as premium subscribers being able to avoid personalized advertisements, and the presence of options to delete listening history or restrict data sharing with external entities. However, the predominant pay-versus-consent model means that free users frequently accept data-driven advertising to access the platform, whereas paid users enjoy enhanced privacy. Dallos and Konieczka (2025) caution that if opting out of profiling significantly limits service access, consent could be considered coercive. Moreover, if the consent is not given voluntarily, then the legal validity of such consent can be questionable in relation to the changing guidelines of the GDPR on free consent.

Thus, in short, Spotify has used various compliance tools such as policies, tools, operational/communicative gaps, etc., to create confusion among users and expose themselves to legal issues.

11. Spotify and Communication

From a communication point of view, Spotify is confronted with a number of linked difficulties. Firstly, most users have no idea how profiling processes operate, so they do not realize how their listening information is processed and used (Hanania, 2022; Mazziotti & Ranaivoson, 2024). Secondly, communication also remains difficult in terms of privacy and consent forms that are frequently set out in legalistic and technical terms and prove difficult for typical users to access and understand (Hanania, 2022; Tokas et al., 2023). Thirdly, this combination of secrecy and technicality generates trust difficulties; for example, if processes of recommendation and logic of profiling are not transparently explained, users are liable to feel insecure, skeptical, or even manipulated.

Spotify offers standard channels of privacy communication, such as a Privacy Policy section (Spotify, 2025) and professes GDPR and CCPA compliance, while also notifying users of some of their data rights (Dallos & Konieczka, 2025; Todd et al., 2024). However, legal analyses have been skeptical of these communications' content and transparency. Bartlett et al. (2022) have identified that Spotify's documentations lack specifics of how it utilizes artificial intelligence as well as user data, which makes it difficult to understand from an external perspective. Dallos and Konieczka (2025) also remark that although Spotify itemizes these collected data categories, such as listening habits or device IDs, it has kept a level of opacity regarding the actual process of how this information is transformed into recommendations that users see.

The existing body of work concerning privacy-aware IoT underscores that improving user comprehension requires both technical and design measures, specifically, researchers advocate for privacy-enhancing technologies and privacy assistants to facilitate practical notifications and prevent notification fatigue (Tokas et al., 2023). Furthermore, manifestos advocating for the interdisciplinary examination of music platforms contend that transparency must be reconceptualized as a user-centric approach, one that effectively translates technical profiling criteria into accessible, high-level explanations for listeners (Mazziotti & Ranaivoson, 2024). Consequently, these observations collectively imply that Spotify's current communication strategies, despite their formal compliance in numerous areas, might not render profiling comprehensible and trustworthy for its user base.

12. Spotify and IOT Security

By examining Spotify from a security and Internet of Things perspective, we can observe that streaming services are becoming more accessible through integrations with wearables, smart speakers, and connected cars (Jeon, 2022; Ifeji & Adeniji, 2023). This expansion moves profiling beyond the platform itself, allowing for streaming of listening data and metadata across devices (Jeon, 2022). Users are often unaware of the communication and connections between such devices, and their consent is poorly communicated and not properly informed (Hanania, 2022; Mazziotti & Ranaivoson, 2024). Data breaches, unauthorized access, and the possibility of hacking that could expose users' personal profile and login credentials are just but a few risks faced by users who experience security vulnerabilities in the system (Ifeji & Adeniji, 2023; Romanosky, 2016). Not only do these risks pose a danger to the users' personal data but also create an obstacle to the norms and guidelines set out by the system (Ifeji & Adeniji, 2023; Romanosky, 2016).

As a cloud service, Spotify invests in common security measures like encryption and unauthorized access detection (Spotify, 2025), but it also integrates with numerous IoT ecosystems, including smart speakers, TVs, and vehicles. Security incidents, although not always publicized, have occurred at an industry level. For example, credential stuffing attacks have occasionally compromised accounts on streaming platforms by reusing passwords leaked elsewhere (Cybergen Security, 2025), and Spotify's threat model must therefore include such risks (Cybergen Security, 2025). In terms of IoT, the Spotify app may be at risk due to weaknesses in streaming sticks, smart speakers, and smart TV apps. Although there are few reported cases of security breaches related to the Spotify app, any IoT device can be a potential entry point for hackers.

IoT devices, including smart speakers, wearables, and cars, have increased the reach of music streaming services (Romanosky, 2016; Jeon, 2022). IoT devices have created new risks, including cross-device profiling, hacking, and unauthorized access (Ifeji & Adeniji, 2023; Jeon, 2022). As most security protections and risk mitigation practices for IoT devices remain in their early stages, these risks remain less protected against current security measures (Ifeji & Adeniji, 2023). As Romanosky (2016) points out, security gaps can translate into measurable costs and regulatory exposure, and in the context of streaming, such gaps pose risks for both legal non-compliance and an erosion of user trust.

13. Summary of Results

The Spotify case highlights three interconnected points: communicative clarity, user control, and technical security. Empirically, Spotify already has standard compliance tools, such as privacy notices or tools and methods for accessing personal data, but all of these are often difficult for ordinary users to understand, both because of their length and the lack of knowledge of a very technical or legalistic language. Past regulatory actions show that the existence of written policies does not necessarily mean that users are provided with easy-to-understand information according to which they can understand how to act to manifest their rights (Bartlett et al., 2022; European Data Protection Board, 2023). Thus, from a communication point of view, this situation exemplifies the information asymmetry and erodes informed and meaningful consent (Hanania, 2022; Mazziotti & Ranaivoson, 2024).

From the technological point of view, IoT endpoint growth increases the attack surface, where control over consent and compliance is more difficult. Profiling begins from smart speakers to wearables to car systems, therefore, it is dispersed across various devices, and it is less likely that the user would have the entire picture, which would defeat the purpose of informed consent and increase the chances of data leakage or account hacking (Jeon, 2022; Ifeji & Adeniji, 2023). Device-level vulnerabilities could quickly turn privacy issues into regulatory issues and reputational damage, while security vulnerabilities have tangible operational and regulatory costs (Romanosky, 2016). Moreover, research on privacy-friendly IoT development indicates that interface engineering and design need to be integrated to minimize notice fatigue and enable protection at the device edge (Tokas et al., 2023).

The table below (Table 1) synthesizes these dynamics in the legal, communicative, and technical dimensions, summarizing how gaps in one area can produce risks in the others.

Table 1. Interconnected challenges of profiling in music streaming

	LEGAL OBLIGATION	**COMMUNICATION CHALLENGE**	**SECURITY/IOT RISK**	**SPOTIFY EXAMPLE**
CONSENT	Explicit, informed	Complex, jargon-heavy forms	IoT consent rarely addressed	Pop-up toggles, vague text
TRANSPARENCY	Clear disclosure	Overload of legal text	Limited IoT explanations	Privacy Policy PDF
DATA SECURITY	Prevent unlawful access	Users can't evaluate protections	IoT devices vulnerable	Smart speaker exposure
TRUST	Indirect legal goal	Easily broken by opacity	Eroded by security failures	Profiling complexity, past IoT challenges

Legally, users need to be presented with explicit and informed consent, clear disclosures, and defenses against unlawful access, while trust is an indirect legal goal. However, trust suffers from communication problems undermining these protections since lengthy, unreadable forms and complicated legal documents cloud users' ability to evaluate risks or understand what they are agreeing to. On the security side, these gaps expose IoT devices, especially since consent mechanisms rarely cover smart devices, protection is not transparent, and breaches can erode trust entirely. When legal obligations, communication quality, and technological protection are not balanced, intersecting issues arise that together demonstrate that user rights are actually quite fragile.

In theory, consent and transparency need to be regarded as both legal requirements and communication acts that are part of an ecological system of devices and companies. To meet all these demands and requirements, all three elements must be aligned: (1) the legal elements that define the rights and responsibilities; (2) the clear and user-friendly communication that makes the rights clear and understandable; and (3) the security system that removes any operational risks that might compromise the legal elements and the user's consent and agency. If this area is weak and compromised, for instance, because the legal elements are too long and complex, the IoT devices are not secure enough, and the consent and form for the average user are unclear, the entire system may be compromised. Therefore, in this case, compliance can become a mere legal formality, user trust can be eroded, and regulators can emerge and intervene (Bartlett et al., 2022; European Data Protection Board, 2023; Romanosky, 2016). Shortly put, the music streaming case analyzed in this paper points to the need for an interdisciplinary approach in data protection. In order for legal rights to be both practically meaningful to users and technically enforceable, law, communication theory, and IoT security must work together. Even as platforms continue to rely on algorithmic profiling for personalization, they run the risk of lasting discrepancies in trust and compliance without this alignment (Hanania, 2022; Mazziotti & Ranaivoson, 2024).

14. Conclusions

Although algorithmic profiling in music streaming delivers personal experiences, it also correlates with a set of security, privacy, and communication concerns. Based on our multidisciplinary study, we consider that the users should reach a sense of trust in relation to the handling of their information. Trust is shaped both by communication and by law, that is, by how clearly companies explain their practices and by the actual security practices.

Regulations like Europe's GDPR alongside US laws such as the CCPA/CPRA now compel services to clearly reveal their data practice, and to ask for clear consent from their users. However, following the rules alone is not always sufficient. Individuals must also be provided with an explanation of what is done with their information, in an easily understandable manner, without the use of too much legal or technical jargon.

Today, it is becoming increasingly difficult to secure IoT devices because more and more devices are being connected to the internet. This is causing an increase in the number of potential legal issues. Now that we have to consider vulnerabilities in smartwatches, speakers, cars, etc., it is no longer sufficient to secure regular servers or applications. This means setting minimum security requirements with hardware partners and educating users about protecting their networks.

In reference to RQ1, our results indicate that consent must not only adhere to legal requirements but also be effectively and clearly communicated to users. Prior analyses and regulatory materials raise concerns about the clarity of disclosures and user understanding of profiling, while RQ2 highlights tensions between legal requirements, communication clarity, and security practices. Finally, RQ3 demonstrates the new vulnerabilities created by IoT integrations that hinder compliance efforts as well as user trust.

The above findings indicate the importance of interdisciplinary solutions to the problem of user consent, trust, and transparency on music streaming websites. To address the issue of user consent, trust, and transparency on music streaming websites credibly, legal, security, and communication factors must be considered as a whole.

15. Limits, Contributions and Perspectives

This research has a number of limitations. First of all, its exclusive focus on Spotify limits how broadly the results can be applied. Second, rather than using quantitative measurement, the current research is essentially a qualitative study based on document review and interpretation. Lastly, the coverage of IoT is only based on devices that are most commonly used, such as smart speakers, wearables, and cars, and does not cover other devices.

Despite its limitations, the study has made several contributions. In terms of theory, this study has brought together law, communication, and security in an interdisciplinary approach to discuss consent and transparency in a digital world. In terms of practice, this study has pointed out real-world issues in the compliance and communication strategies of streaming platforms. In terms of policy, this study has emphasized the pressing need for consent solutions and security strategies in the context of the Internet of Things.

In terms of future research, this study could be extended to compare different streaming services or broaden its focus beyond streaming services. This could be useful in exploring the broader implications of consent, trust, and security in a more connected world.

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The Contribution of Physical Education and Sport to Facilitating Social Inclusion among Children and Teenagers

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Abstract: This paper analyzes the role of physical education and sport in facilitating social inclusion among children and young people. Starting from the theoretical premises of education through movement and socio-emotional development, the study highlights how organized physical activities contribute to the development of social skills, the strengthening of team spirit, and the promotion of values such as respect, cooperation, and solidarity. The methodology combines a review of the specialized literature with empirical methods, such as questionnaires and observation, applied to a sample of students and young people involved in school and extracurricular sports activities. The questionnaire was administered to a sample of 120 children and teenager, aged between 12 and 20, from different social backgrounds. The results show that consistent participation in physical education and sports contributes to reducing social exclusion, improving interpersonal relationships, and facilitating the integration of children from vulnerable backgrounds.

Keywords: *questionnaire, physical education, social inclusion, sport*

J.E.L Classifications: I21, I24, Z20

1. Introduction

In contemporary society, social inclusion represents a fundamental objective of educational and social policies, aiming to ensure the active and equitable participation of all children and young people in community life. In this context, physical education and sport become particularly valuable educational and social tools, contributing to the reduction of social, economic, and cultural barriers that may lead to marginalization or exclusion.

Physical education and sport for all are characterized by accessibility, voluntary participation, and the involvement of a large number of participants, regardless of performance level, social status, gender, or cultural background. Through sports activities carried out in organized or recreational settings, children and young people have the opportunity to develop interpersonal relationships, team spirit, mutual respect, and a sense of belonging to a group. These elements contribute significantly to strengthening social cohesion and preventing social isolation.

Participation in mass sports activities fosters not only physical development but also the formation of social and emotional skills such as cooperation, tolerance, empathy, and effective communication. Especially for children from vulnerable backgrounds, sport can provide a safe framework for integration, offering equal opportunities for self-expression and social interaction.

Physical and sports education represents an integral part of the instructional-educational process, which "aims at the harmonious development of both the physical and mental aspects, as well as the formation of the individual's character", while the mission of teaching staff is to prepare highly qualified specialists in the field of physical education and sport, needed in primary and secondary education, as well as specialists in mass sport, capable of integrating into the labor market and adequately responding to the specific demands of these activities (Carmina-Mihaela, G., et al., 2023).

Physical education and mass sport can be considered essential factors in promoting social inclusion, facilitating the integration of children and young people into the community and contributing to the development of a society based on solidarity, active participation, and equal opportunities. Studying their role therefore becomes relevant for identifying effective strategies to support social inclusion through educational and recreational activities. Mass sport is regarded as an effective instrument for promoting social inclusion, facilitating the active participation of children and young people in community life and reducing the risk of social marginalization (European Commission, 2017).

Participation in sports activities contributes to the development of social skills, cooperation, and a sense of belonging to a group (Bailey, 2018).

Through physical education classes, students learn not only about the importance of physical activity, but also about values such as fair play, cooperation, and respect for others. Physical education in schools plays an essential role in promoting an active and healthy lifestyle, thus contributing to the formation of a generation of adults who are aware of the importance of physical activity for their physical and mental well-being (Milon et al., 2024).

Furthermore, sports activities accessible to all social categories can create favorable contexts for social interaction and integration, especially for young people from vulnerable backgrounds (Haudenhuyse et al., 2019). Sport influences not only physical development, but also the formation of social values such as respect, solidarity, and social responsibility (Coakley, 2021).

2. Material and Method

2.1. Research Objectives

Social inclusion involves ensuring genuine and equitable access to education, the labor market, social services, and community resources for all individuals, regardless of their personal characteristics or the environment they come from. It requires the removal of economic, cultural, physical, or attitudinal barriers that may limit the full participation of certain groups in social life.

Another essential objective of social inclusion is to stimulate the active participation of all community members in social, cultural, and civic activities, as well as their involvement in decision-making processes that directly affect them. In this sense, inclusion encourages the development of a genuine sense of belonging and social responsibility.

Moreover, social inclusion promotes mutual respect, acceptance of diversity, and appreciation of individual differences, contributing to the fight against stereotypes, prejudice, and discrimination. By creating a climate based on equity and solidarity, it aims to prevent marginalization and support the harmonious development of each individual within the community.

2.2. *Research Subjects*

The research subjects consist of children and adolescents aged between 12 and 20 years, who are in critical stages of physical, emotional, and social development. They come from both middle and high school education, as well as non-formal educational contexts, and are involved in physical education and sports activities conducted either within or outside the school setting.

The choice of this age range is motivated by the significant role this period plays in the formation of personal and social identity, the development of relational skills, and the consolidation of values such as cooperation, respect, and fair play. Participation in sports activities during this stage can have a significant impact on integration and the adoption of positive social roles.

The sample includes participants from diverse socio-economic and cultural backgrounds, providing a relevant perspective on how physical education and sport can contribute to promoting social inclusion and strengthening community cohesion.

2.3. *Research Methods*

For the implementation of this research, the bibliographic documentation method was used to provide a theoretical foundation for the study. This involved consulting and critically analyzing specialized literature in the fields of physical education, sociology of education, and social inclusion, including scientific articles, research papers, case studies, and educational policy documents. Through this method, the basic concepts, theoretical framework, and working hypotheses of the research were established.

The survey method was applied using a questionnaire consisting of 15 items, structured to capture participants' perceptions of the role of physical education and sport in developing interpersonal relationships, team spirit, and a sense of belonging.

The observation method was employed to directly analyze participants' behaviors and level of engagement in sports activities. Observation focused on aspects such as teamwork, adherence to rules, interaction among participants, and the degree of integration of those from diverse backgrounds.

Finally, the statistical method was used to process, organize, and interpret the collected data by calculating frequencies, percentages, and performing relevant comparisons, thereby providing an objective basis for formulating the study's conclusions.

2.4. Questionnaire Presentation

To investigate participants' perceptions regarding the role of physical education and sport in developing community cohesion and facilitating social inclusion, a structured questionnaire was designed and administered. This research instrument was developed in accordance with the study's objectives and the age characteristics of the subjects, aiming to obtain relevant information about their experiences, attitudes, and level of engagement in sports activities.

The questionnaire consists of 15 clearly and accessibly formulated items, addressing aspects such as interpersonal relationships developed through sport, sense of belonging to a group, cooperation, adherence to rules, and perceptions of inclusion within the activities conducted. The application of this instrument aimed to collect objective and meaningful data necessary for analyzing the impact of physical education and sport on the social integration of the children and young people involved in the study.

Instructions:

Please read each statement carefully and check the option that best reflects your opinion.

Rating Scale:

1 – In a very small extent
2 – In a small extent
3 – In a moderate extent
4 – In a large extent
5 – In a very large extent

Section I – Participation in Physical Education and Sport

1. Participation in physical education classes contributes to the development of positive relationships among classmates.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

2. Group sports activities promote cooperation among children and young people.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

3. School sports competitions stimulate team spirit and solidarity.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

4. Participation in extracurricular sports activities improves integration within the group.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

5. Physical education provides equal opportunities for participation for all students.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Section II – Community Cohesion

6. Sports activities contribute to increasing the sense of belonging to the group.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

7. Through sport, children and young people learn to respect diversity (social, cultural, economic).

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

8. Sport facilitates effective communication among participants.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

9. Sports activities reduce conflicts and tensions within the group.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

10. Participation in sport strengthens relationships between students and teachers/coaches.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Section III – Social Inclusion

11. Sport facilitates the integration of children from diverse backgrounds.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

12. More withdrawn or marginalized students integrate more easily through sports activities.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

13. Participation in sports activities contributes to increased self-confidence.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

14. Physical education and sport reduce the risk of social exclusion.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

15. I believe that physical education and sport should be further utilized to promote social inclusion.

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5

Results and Discussion

To clearly present the research results, the questionnaire administered to participants provided data regarding their perceptions of the role of physical education and sport in the development of interpersonal relationships, community cohesion, and social inclusion.

Table 1. Questionnaire Results

No.	**Questionnaire Item**	**1**	**2**	**3**	**4**	**5**
1	Participation in physical education classes contributes to the development of positive relationships among classmates	3	5	10	102	0
2	Group sports activities promote cooperation among children and young people	1	2	12	100	5
3	School sports competitions stimulate team spirit and solidarity	4	6	14	96	0
4	Participation in extracurricular sports activities improves integration within the group	3	5	14	98	0
5	Physical education provides equal opportunities for participation for all students	4	6	16	94	0
6	Sports activities contribute to increasing the sense of belonging to the group	3	4	12	101	0
7	Through sport, children and young people learn to respect diversity (social, cultural, economic)	3	5	13	97	2
8	Sport facilitates effective communication among participants	0	3	11	102	4
9	Sports activities reduce conflicts and tensions within the group	5	8	12	95	0
10	Participation in sport strengthens relationships between students and teachers/coaches	3	4	15	98	0
11	Sport facilitates the integration of children from diverse backgrounds	2	5	13	100	0

No.	Questionnaire Item	1	2	3	4	5
12	More withdrawn or marginalized students integrate more easily through sports activities	4	6	14	96	0
13	Participation in sports activities contributes to increased self-confidence	2	4	12	102	0
14	Physical education and sport reduce the risk of social exclusion	3	5	14	98	0
15	I believe that physical education and sport should be further utilized to promote social inclusion	2	3	5	102	8

The responses to the items addressing diversity and the integration of children from different socio-economic backgrounds highlight the role of physical education in promoting mutual respect, reducing the risk of social exclusion, and enhancing participants' self-confidence. Additionally, the data show that the involvement of teachers and coaches in sports activities contributes to strengthening relationships between students and educational staff, creating an environment conducive to active participation and collaboration.

The results obtained confirm the conclusions of recent studies, which indicate that consistent participation in sports activities contributes to increased social inclusion and the consolidation of social relationships among young people (European Commission, 2022). Engagement in sport fosters the development of self-confidence and community spirit, aspects also emphasized in research conducted by Bailey (2018).

Recent studies demonstrate that mass sport represents an effective integration tool for children and young people from vulnerable backgrounds or those at risk of social exclusion. Accessible sports activities reduce social, cultural, and economic barriers, providing equal opportunities for participation and social recognition, thereby promoting inclusion and community cohesion (European Commission, 2017; Haudenhuyse et al., 2019).

The analysis of the results highlights a predominantly positive orientation of respondents toward the role of physical education and sport in developing the social dimension of children's and adolescents' personalities. The high proportion of responses corresponding to the value "4 – to a large extent" suggests that participants perceive sports activities as an effective framework for strengthening interpersonal relationships, promoting cooperation, and fostering team spirit. These findings support the idea that the school sports environment facilitates positive interactions and contributes to creating a favorable relational climate.

Furthermore, the results indicate that sport is associated with an increased sense of group belonging and facilitates the integration of children from diverse backgrounds. The low level of negative responses (values 1 and 2) reinforces the hypothesis that physical education and mass sport represent a relevant tool for preventing marginalization and reducing the risk of social exclusion. However, the presence of moderate responses (value 3) on items regarding conflict reduction and ensuring equal opportunities suggests that the effectiveness of sport in promoting inclusion may depend on how activities are organized and the involvement of teaching staff.

In this context, the obtained results confirm the importance of integrating educational strategies focused on cooperation, equity, and active participation within physical education classes and extracurricular sports activities, in order to maximize their impact on community cohesion and social inclusion.

3. Conclusions

The analysis of the responses obtained through the questionnaire indicates a predominantly positive perception among participants regarding the role of physical education and mass sport in developing interpersonal relationships, community cohesion, and promoting social inclusion. Most respondents recognized that participation in physical education classes and group sports activities fosters cooperation among peers, stimulates team spirit and solidarity, thereby strengthening positive relationships within the school community. Additionally, involvement in competitions and extracurricular activities significantly contributes to participants' integration and enhances their sense of belonging to the group, reflecting the importance of sport as a mechanism for social cohesion and inclusion.

Overall, the study results confirm the hypothesis that physical education and sport not only facilitate physical and motor development but also serve as essential tools for developing social skills, integrating participants, and reinforcing community cohesion. This perspective underscores the need for the systematic use of physical education and sport as integrated educational and social strategies capable of addressing the diverse needs of children and young people within contemporary communities.

The development of community spirit through mass sport contributes not only to immediate social integration but also to the long-term formation of socio-emotional skills such as social responsibility, mutual respect, and tolerance. Thus, sport becomes a non-formal educational framework capable of supporting the active participation of young people in the community and preventing social marginalization (Council of Europe, 2018; Coalter, 2019).

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Legal Aspects of The Lisbon Treaty on the European Single Market and Implications for Cross-Border Cooperation

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Abstract: The Lisbon Treaty is one of the most significant pieces of legislation to bolster the legal systems of the EU, as it enhanced institutional channels and deepened economic integration. The Single Market was deepened through new stipulations on territorial cohesion, judicial cooperation, and the increasing role of the European Parliament and the Court of Justice of the European Union, building on the principle of the four freedoms of movement (goods, services, persons, and capital). The core legal questions and their implementation in the context of the Single Market are the focus of this paper that analyzes the Lisbon Treaty in this context. The analysis is structured across three levels: national—through the adaptation of domestic legislation to European norms; supranational—by examining the role of EU institutions in ensuring legal uniformity; and shared—through the study of multi-level governance instruments that support the functioning of the Single Market. Moreover, the paper will deal with today's challenges: a fragmented system of regulation, non-tariff barriers and implications for border areas. The conclusions highlight that the Lisbon Treaty is of particular use for driving economic integration and the establishment of sustainable channels for cross-border cooperation, more specifically in Central and Eastern Europe.

Keywords: *Cross-Border Cooperation; EU Law; Lisbon Treaty; single market; territorial cohesion.*

J.E.L. Classifications: F15, K33, O52

1. Introduction

The Single Market of the European Union has been seen as an anchor of European integration for a long time by reflecting the basic principles of free exchange of goods, services, persons and capital (Barnard, 2019). Based on the idea of a world without regional borders, the Single Market emerges not just as an economic initiative, it also encompasses a legal and political framework for promoting cohesion, competitiveness and well-being in the Member States. Its construction has been achieved in stages based on several agreements, numerous legislative acts and continually strengthened by the Court of Justice of the European Union (CJEU) (Craig & de Búrca, 2021).

The Lisbon Treaty, which came into force in 2009, marked a clear step in this process. By reinforcing the institutional architecture of the Union, extending the democratic legitimacy of decision-making, and incorporating a number of new legal provisions, the Treaty strengthened the building blocks of the Single Market (Weatherill, 2021). It notably reinforced territorial cohesion as an aim of the Union, something of particular relevance for cross-border regions (Treaty of Lisbon, 2007). In parallel with this, the Lisbon Treaty reinforced the roles of the European Parliament and the CJEU, thereby ensuring both broader democratic participation and more effective judicial oversight in the functioning of the Single Market (Chalmers, Davies, & Monti, 2019).

The relevance of this topic for cross-border cooperation is particularly evident in Central and Eastern Europe, where border regions often face structural challenges but also hold significant opportunities for integration and development. By shaping the legal framework for cooperation, the Lisbon Treaty facilitates not only the removal of barriers to trade and mobility, but also the creation of mechanisms that support regional growth, social cohesion, and institutional collaboration across national boundaries (Craig & de Búrca, 2021).

This article seeks to identify the legal framework related to the Single Market in accordance with the Lisbon Treaty, and then to describe its effect on cross-border cooperation. The analysis aims to work its way in three interrelated levels: the national level, where domestic legislation needs to reflect EU law, the supranational level, to which EU institutions' regulatory and supervisory actions need to appeal to EU law, and the shared level, to which governance is performed from multi-level cooperation between the Union, Member States and regional players. Methodologically, the paper will be a doctrinal legal analysis of treaty text and jurisprudence, as well as a contextual analysis of their effect on cross-border cooperation in Central and Eastern Europe.

2. Legal Aspects of The Lisbon Treaty on The European Single Market and Implications for Cross-Border Cooperation

2.1. The European Single Market: Legal Foundations and Evolution

The European Single Market originated in the Treaty of Rome of 1957, which provided the legal foundation for the European Economic Community (EEC). The Treaty of Rome was fundamentally based on the creation of a "common market" (Treaty of Rome, 1957) through the gradual removal of customs barriers and the adoption of a common external tariff. While initially conceived as an economic arrangement, the common market also represented a step toward legal integration, as it required the harmonization of national laws and the development of supranational institutions capable of supervising compliance (Craig & de Búrca, 2021).

The next major breakthrough was represented through the adoption of the Single European Act (SEA) in 1986, which established the legal and political momentum for accomplishing the internal market by the end of 1992. The SEA brought in qualified majority voting into the Council for internal market legislation and, therefore, limited the potential of individual Member States to derail such legislation. It also enhanced the competences of the European Parliament, and in doing so promoted a more democratic legitimacy in the making of the law (Chalmers, Davies, & Monti, 2019). This pledge to eliminate physical, technical, and fiscal barriers was more profoundly enshrined in a broad program of legislative and regulatory measures designed to promote the free flow of goods, services, persons, and capital (Barnard, 2019).

The integration process was further advanced with the Maastricht Treaty of 1992, which officially established the European Union and brought in the idea of ''Union citizenship ''(Treaty on European Union, 1992). Not only did this new status grant people rights to political participation, it also reinforced their rights to free movement and residence within the Union. Maastricht also promoted economic integration since it provided the legal framework for Economic and Monetary Union that complemented the Single Market by aiming to ensure stability and uniformity in financial and monetary policy (Weatherill, 2021).

Central to the Single Market are the four freedoms. Free movement of goods ensures the removal of customs duties and quantitative barriers between Member States, and prevents measures that have equivalent effect (Procureur du Roi v Dassonville, 1974). Due to its free movement of services, it permits the service provider to be a cross-border provider with equal treatment (Barnard, 2019). The free movement of persons — such as all workers and Union citizens — affords them rights such as mobility, residence, and equal treatment in host countries where they reside (Grzelczyk v CPAS, 2001). At last, the free movement of capital makes it possible for financial transactions and investment to be liberalised for all of the Union, and on a limited number of occasions, even third countries (Craig & de Búrca, 2021). Tied together, these freedoms form an economy of interconnected and integrated space, rooted in concrete provisions and secondary legislation.

As a result of its decisions, the Court of Justice of the European Union has performed a critical role in consolidating and extending these freedoms. The Court has, through its jurisprudence, been interpreting treaty provisions broadly, striking down national measures that impede integration and ensuring the primacy and direct effect of EU law (Van Gend en Loos, 1963; Costa v ENEL, 1964). Landmark rulings such as Dassonville (Case 8/74), establishing the broad definition of measures having equivalent effect, and Cassis de Dijon (Case 120/78), which articulated the principle of mutual recognition, have shaped the legal architecture of the Single Market. In a similar manner, in the area of free movement of persons the Court consistently reinforced and expanded the rights of Union citizens beyond the original scope established by treaties, as seen in Grzelczyk (Case C-184/99) and Baumbast (Case C-413/99).

The CJEU's jurisprudence over the years has turned the Single Market into a dynamic legal order in which individuals and economic operators can directly invoke their rights before national courts. This judicial activism has complemented legislative initiatives, ensuring that the Single Market remains not only a political aspiration but also a legally enforceable reality (Weatherill, 2021). The combination of treaty provisions, secondary legislation, and case law has thus created a robust and evolving framework that continues to shape the integration process within the European Union.

2.2. The Lisbon Treaty and the Consolidation of The Single Market

The Lisbon Treaty, which entered into force in 2009, fundamentally transformed the institutional and legal framework of the European Union. It did not re-create the Single Market, but consolidated and intensified its function by reshaping the Union's governance structures, strengthening judicial oversight, and broadening the scope of EU policies on which economic integration rests. The Treaty had its origins in an attempt to resolve both the internal problems of enlargement and external pressures of globalization, and its impact still lingers in daily operations of the Single Market (Craig & de Búrca, 2021).

The Lisbon Treaty's institutional reform was among one of its most important contributions. The Treaty gave the European Parliament greater powers, making it a co-legislator in nearly all aspects of the internal market by extending the ordinary legislative procedure (previously known as co-decision). It also put Parliament on an equal footing with the Council of the European Union in the process of adopting the legislation on the four freedoms and relevant regulatory fields (Chalmers, Davies, & Monti, 2019). The Council itself, for its part, also witnessed that its voting system gradually shifted towards qualified majority voting, limiting the ability of each state to block legislative initiatives. The European Commission could continue its central function of launching legislation and ensuring compliance but now had a clearer mandate for promoting the Union's general interest and overseeing the functioning of the Single Market (Barnard, 2019).

The Lisbon Treaty further reinforced the role of the European Council by enshrining it as an institution and establishing a permanent President. Although not directly involved in day-to-day market regulation, the European Council has a significant strategic role in framing the goals of the Single Market (such as the Europe 2020 strategy and the digital & green transitions follow-up) in the long run (European Commission, 2018).

A second aspect of Lisbon's contribution was the strengthening of the Court of Justice of the European Union. The Treaty clarified the Court's jurisdiction and made certain that virtually all areas of EU law, including justice and home affairs, fell under its purview. Under the Single Market, the CJEU also strengthened the jurisdiction of the Court to hear cases in relation to the four freedoms, competition law, and harmonization measures, providing for consistency and legal certainty (Weatherill, 2021).

The Lisbon Treaty further enunciated the Charter of Fundamental Rights of the European Union as a legally binding instrument, with consequences for the performance of the Single Market. Thus, fundamental rights considerations are now a factor in the balancing of economic freedoms and social protections on labor mobility and service supply cases (Craig & de Búrca, 2021). This development underscores the Court's dual role in safeguarding both economic integration and broader societal values.

Territorial cohesion was officially established as an aspect of the Lisbon Treaty (Article 3 TEU; Articles 174–178 TFEU). In addition to economic and social cohesion, territorial cohesion aims to achieve balanced development across the Union, with particular attention to disadvantaged regions, including border territories. This is critical for cross-border cooperation, since in border regions structural obstacles — inadequate infrastructure, administrative complexity, or differing national regulations — may make full Single Market participation difficult (European Commission, 2017). By embedding territorial cohesion as a fundamental EU goal, Lisbon thus created the legal framework for measures such as the European Groupings of Territorial Cooperation (EGTCs), which were intended to promote joint projects across national frontiers. Emphasising territorial cohesion within the Treaty also supported funding instruments within the EU Cohesion Policy and initiatives like "Interreg" that directly promote cross-border, transnational, and interregional cooperation. For Central and Eastern Europe, where many new Member States share long external and internal borders, these instruments have become crucial in making available necessary tools of cross-border cooperation so that border regions realise the advantages of the Single Market (Barnard, 2019).

It was also the case that the Lisbon Treaty further consolidated the Single Market by increasing the Union's competences in complementary policy areas. In energy, Lisbon introduced a specific legal basis for a common energy policy (Article 194 TFEU), concerning the security of supply, interconnection of networks, and the promotion of renewable energy. According to Craig and de Búrca (2021), this has direct implications as it is vital for the functioning of the Single Market for energy security, as well as for the integration of national markets, for ensuring its competitiveness and sustainability.

As far as transport is concerned, the Treaty reinforced the Union's role in creating a trans-European transport network (TEN-T) to ensure mobility across borders and facilitate both movement of goods and labour. Developing transport infrastructure has been particularly important for border regions. It has enabled them to overcome physical barriers and integrate into the Single Market more effectively (European Commission, 2018).

The Lisbon Treaty also paved the way for the Digital Single Market — now one of the EU's flagship initiatives. The Treaty also created a clearer legal structure for the regulation of information society services and telecommunications so that the Union could tackle roadblocks related to online trade, data flows, and digital services (Chalmers, Davies, & Monti, 2019). The Digital Agenda — the EU's attempt to shape the Single Market to suit 21st-century realities — also covers digital technologies and innovation.

The Lisbon Treaty contributed to the unification of the Single Market legal framework by institutional reform, judicial power building, and the enlargement of the policy scope. This embedding of goals including territorial cohesion, and the enhancement of EU energy, transport, and digital competences, made the Single Market a much more holistic and sustainable union-building scheme and not just another economic agenda for Member States. This holistic approach has been especially important for border areas, where the provisions of the Treaty also have permitted legal harmonization and practical cooperation, consolidating as much as possible the Union's general objective to achieve greater integration.

2.3. Cross-Border Cooperation in the Lisbon Context: Three Levels of Analysis

The Lisbon Treaty reinforced the institutional base of the Single Market and formed a structure for dealing with long-standing disparities and gaps in Member States and their border regions. The principle of territorial cohesion enshrined in the Treaty of Lisbon provides a need for balanced development and for reducing the obstacles to integration. This framework is especially useful for collaboration spanning borders, which operates on three interlinked levels of governance: national, supranational, and shared.

At the national level, Member States have to harmonize their national legislation with the demands of the Single Market. This process involves transposing EU directives into national law, ensuring the direct application of EU regulations, and adapting administrative and judicial practices to comply with European legal standards (Craig & de Búrca, 2021). Failing to adhere can lead to a European Commission infringement action and, in turn, a judgment from the Court of Justice of the European Union. Here, Romania presents an example of the problems and the prospects of legislative adaptation. Romania has made considerable reforms to competition law, consumer protection, and public procurement, in accordance with the Single Market rules, since its accession in 2007 (Chalmers, Davies, & Monti, 2019). Border management reform is crucial for Romania, as it plays a leading role in allowing the integration of states in the region across borders, especially because of its vast frontiers with both EU and non-EU states. To improve integration and to allow the border regions to take advantage of Single Market opportunities, harmonization of customs procedures, liberalisation of transport services, as well as developing cross-border infrastructure, such as those corresponding with Hungary and Bulgaria, have been, at present, at the core (European Commission, 2018).

Nevertheless, challenges remain. Romania continues to face difficulties in reducing administrative burdens, ensuring consistent application of EU norms at local levels, and bridging socio-economic gaps between core and border regions. These issues demonstrate that national adaptation is not merely a legal exercise but also a matter of governance capacity and institutional effectiveness.

At the supranational level, the EU exercises its competences through legislative instruments designed to ensure uniformity and legal certainty across Member States. Regulations are directly applicable in all Member States, creating a high degree of harmonization. Directives, by contrast, establish objectives that Member States must achieve while leaving them discretion on the form and methods of implementation. Together, these instruments ensure that cross-border cooperation takes place within a coherent legal framework (Barnard, 2019). The Lisbon Treaty delineated the distribution of competences between the Union and the Member States. Article 3 of the Treaty on the Functioning of the European Union (TFEU) defines areas of exclusive competence (including competition rules for the internal market and customs union), where only the EU can legislate. Article 4 sets out areas of shared competence, including the internal market, transport, energy, and cohesion policy, where EU and Member States may act. Such distribution is key to cross-border cooperation, providing the legal framework for EU-wide policies while allowing Member States to deal with regional particularities (Weatherill, 2021).

The supranational framework avoids border areas being disadvantaged under different national regulations. The EU tried using different tools to balance economic freedoms with social protections, creating a level playing field for businesses and workers engaged in cross-border activities. These instruments show how supranational regulation achieves legal certainty, promotes trust, and prevents the fragmentation of the Single Market.

The shared level of governance underpins the Lisbon Treaty's commitment to territorial cohesion and its acknowledgement that for cross-border cooperation to be effective, it is necessary to coordinate between the EU, Member States, and their regional or local partners. Indeed, since the advent of multi-level governance has become the hallmark of EU policy, it offers the possibility of bespoke interventions tailored for each border area's special circumstances (Chalmers, Davies, & Monti, 2019). The key instrument in this area is the European Territorial Cooperation (ETC) policy, or "Interreg", through which thousands of cross-border projects have been supported since its launch. It is under Lisbon that Interreg was strengthened as a main plank of the Cohesion Policy, with dedicated funds for projects involving infrastructure, environmental protection, education, and innovation (European Commission, 2017). Moreover, the Lisbon Treaty laid the legal groundwork for the European Grouping of Territorial Cooperation (EGTC), a new tool for regional and local governments of the various Member States to form joint entities with legal personality. EGTCs facilitate cross-border projects in such sectors as healthcare, transport, and energy, reducing administrative complexity while securing long-term cooperation (Barnard, 2019). EGTCs, for instance, along the Romanian-Hungarian border have established coordinated development of transport corridors and joint environmental resource management, showing the practical impact of shared governance.

The shared level, then, captures the spirit of the Lisbon Treaty: an integration not only at the level of legislation and policy but also via cooperation among institutions and communities. The EU has offered financial assistance complemented with legal instruments that have enabled border areas to meet structural challenges and to take the best of the Single Market.

Cooperation across borders, as perceived in the Lisbon context, implies stratified governance. At the national level, the responsibility for legislation and institution strengthening lies with the Member States, to create legislation that fulfills Single Market requirements. For the supranational level, the EU provides consistent EU rules, legal certainty, uniformity and fairness across countries in a harmonized way. Multi-level governance structure, and instruments like Interreg and EGTC are examples of other common structures at the shared level, which grant regions the capacity to develop their own integration and development solutions. These levels together illustrate the enduring effect of the Lisbon Treaty: by embedding territorial cohesion into those objectives of the Union and by encouraging cooperation on several levels, it has contributed to the inclusiveness and sustainability of the Single Market, specifically in its border areas in Central and Eastern Europe.

2.4. Current Challenges and Perspectives

Whereas the Lisbon Treaty laid down a strong legal and institutional underpinning to the Single Market and cross-border cooperation, the forces of dynamism of the 21st century challenge this ideal foundation, as well as the resilience of European integration. These challenges emerge in the regulatory, geopolitical, technological, and regional arenas that significantly affect the operation of the Single Market, as well as the cohesion of border regions. But the Lisbon Treaty and EU secondary legislation have pledged unified law, and we find regulatory fragmentation a long-term challenge. Differences in the implementation of directives, administrative practices, and enforcement across Member States all make up non-tariff barriers to the

Single Market effectiveness (Barnard, 2019). Different standards in areas such as professional qualifications, consumer protection, and environmental regulation, for example, hinder the free provision of services across borders (Craig & de Búrca, 2021). Although the Services Directive was designed to reduce some of these barriers, it has not been able to achieve the objectives of the Directive, as the Member States continue to impose restrictions justified on public interest grounds. This regulatory heterogeneity disproportionately affects small and medium-sized enterprises (SMEs), who are ill-equipped to deal with complex national law and has particular effects on border areas, where companies are highly dependent on cross-border commerce (European Commission, 2018).

Further geopolitical developments have led to a strain on the Single Market. Unprecedented legal and practical challenges were created, especially in the areas of customs, services, and labor mobility with the United Kingdom's withdrawal from the EU (Brexit) (Weatherill, 2021). Moreover, Russia's 2022 invasion of Ukraine has affected supply chains and exposed energy dependency vulnerabilities and raised security concerns at the Union's eastern borders (European Commission, 2022). These trends illustrate that free movement is not free from external shocks. The return of border controls during crises, whether linked to migration, public health, or security, has tested the notion of a space without internal frontiers. Indeed, geopolitical instability has also led to higher security commitments and additional economic uncertainty, preventing border regions in Central and Eastern Europe from taking full advantage of the Single Market.

On the other hand, digitalization is growing rapidly, which opens opportunities and challenges for the Single Market. The Digital Single Market strategy, launched in 2015 and later complemented by subsequent initiatives, aims to remove barriers to online trade, harmonize rules on data protection, and foster innovation in areas such as artificial intelligence and cybersecurity (Chalmers, Davies, & Monti, 2019). Although great strides have been made, fragmented regulation of digital, from differing national approaches to taxation of digital services to inconsistent implementation of the General Data Protection Regulation (GDPR), remains a barrier to cross-border digital activity (Craig & de Búrca, 2021). In addition, digital divides continue to persist across Member States, with Central and Eastern European regions often lagging behind in infrastructure and digital skills, limiting their capacity to seize the benefits of this new wave of integration.

Central and Eastern European border areas have specific obstacles adapting to these more general trends. Structural economic inequalities, underdeveloped infrastructures, and bureaucratic complexities currently impede their full integration into the Single Market (European Commission, 2017). Although EU cohesion policy and instruments, including Interreg and EGTCs, provide dedicated assistance, the success of these initiatives relies on local governance capacity and trust between countries. In addition, border areas are most vulnerable to external shocks such as migration flows, security threats, and energy vulnerabilities. The war in Ukraine has exacerbated these challenges further, particularly for Romania, Poland, and others who are on the front lines, whose trans-border collaboration has had to respond quickly to humanitarian needs yet remain economically integrated.

In view of this, the Lisbon Treaty's emphasis on territorial cohesion certainly continues to have relevance, but there is also a need for further work aimed at ensuring the "peripheries" of the border regions transition into dynamic engines of integration. We need investment in infrastructure, digital connectivity, and institutional capacity to combat these imbalances and protect the inclusiveness of the Single Market.

3. Conclusions

The Lisbon Treaty has turned out to be the cornerstone of the EU's Single Market consolidation. The Treaty not only strengthened the institutional architecture of the Union, but also added legislative powers to the European Parliament and fortified oversight of the Court of Justice of the European Union; therefore, ensuring territorial cohesion was realized.

This structural strengthening ensures that the Single Market will operate not only as an economic space, but also as a legal order, for the benefit of individuals and enterprises throughout the EU. The treaty's core contribution, perhaps, is to promote cooperation among the international community. By making territorial cohesion a goal of the Treaty and contributing to new instruments such as the European Grouping of Territorial Cooperation and the Interreg program, it also allowed those at the outskirts of the Union to participate more effectively in the benefits of integration. It did so while turning border regions from marginal areas to active participants in the Single Market and fostering social and economic development while giving European integration its credibility.

Looking to the future, the problems confronting the Single Market and cross-border cooperation demonstrate the Treaty's continued relevance. Fragmentation and geopolitical instability in regulation, and uneven digital transformation call for fresh action at the EU level as well as in Member States. The subsequent integration will probably be on the basis of creating more resilient, inclusive, and new legal mechanisms that adapt to new realities such as digitalization, energy security and environmental sustainability.

The Lisbon Treaty cannot, therefore, be viewed as the conclusion of integration but as the starting point on which the Union needs to build. In the process, it strengthens the equilibrium amongst economic freedoms, social protections and territorial cohesion and becomes a guide to the development of the Single Market. Its lasting significance is due to both its flexible and comprehensive legal basis — one that facilitates cooperation across frontiers, encourages balanced development and guarantees continued evolution and forward-looking vision of European integration.

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EU Infringement: A Numerical Analysis of Cases from 2019–2023

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Abstract: This article provides an analysis of infringement cases within the European Union between 2019 and 2023. Over these five years, there has been a significant increase in enforcement activity, reflecting the EU's strategic focus on compliance with environmental legislation, digital regulations, and internal market rules. The analysis shows that while larger Member States have seen improvements in compliance, smaller and transition economies have continued to face challenges, highlighting the need for specific capacity-building efforts. Procedural delays persisted, particularly in complex cases related to environmental and competition law, highlighting the importance of streamlining judicial and administrative processes to increase the efficiency of enforcement. In addition, this period was characterized by a tougher stance on law enforcement, with a notable increase in sanctions and binding rulings. These actions reinforce the EU's commitment to upholding its legal standards and fostering a strong culture of compliance among both Member States and corporations.

Keywords: *CJEU, infringement, member States, statistical analysis, policy areas*

J.E.L Classifications: **K33, K42, F15**

1. Introduction

The European Union (EU) operates within a complex legal framework designed to uphold the principles of the rule of law, ensure the uniform application of laws across all Member States, and protect the rights of its citizens. A key mechanism in maintaining this legal order is the infringement procedure, a structured process used to address breaches of EU law. These procedures are essential to ensure that all Member States comply with their legal obligations, thereby protecting the integrity of the single market and the EU legal system as a whole.

Infringement procedures are usually initiated by the European Commission in cases of suspected or proven non-compliance, often following complaints from individuals, organizations, or other Member States. The process involves formal notifications, negotiation efforts, and, if necessary, judicial review by the Court of Justice of the European Union. This legal path not only promotes compliance but also strengthens the accountability of Member States, ensuring that violations are addressed in a systematic and law-based manner.

Given the importance of infringement procedures for compliance with EU law and the functioning of the internal market, it is essential to understand their patterns and trends. Analysing statistical data on these procedures can provide useful information on the effectiveness of enforcement, identify problem areas or sectors, and highlight geographical discrepancies in compliance levels across the Union.

This article provides a statistical analysis of infringement proceedings at EU level, examining various dimensions such as case volume and trends, geographical distribution, sector-specific aspects, and duration of proceedings. Through this analysis, we aim to shed light on the effectiveness of EU enforcement mechanisms, identify current challenges, and provide informed recommendations for improving compliance and legal consistency across the Union.

2. Context

Infringement procedures are a fundamental part of the European Union's legal framework, designed to ensure that Member States fully comply with EU law. The process is mainly governed by the Treaty on the Functioning of the European Union (TFEU), which sets out the stages and principles guiding the enforcement mechanism. These procedures serve not only to address infringements, but also to promote legal uniformity across all Member States, ultimately protecting the integrity of the EU's legal and economic systems.

The initiation of infringement proceedings usually begins with the European Commission's assessment of national legislation, administrative practices, or policies that may be incompatible with EU law. This assessment can be triggered through various channels, including complaints from citizens, businesses, or other Member States, or through the Commission's own investigations based on monitoring and evaluation efforts. Once a possible infringement has been identified, the Commission follows a structured, multi-stage process.

The first formal step involves sending an "official notice" to the Member State, setting out the specific concerns and requesting a response within a set time limit, usually two months. If the Member State provides a satisfactory explanation or commits to remedying the infringement, the case may be closed or resolved at this initial stage. However, if the response is unsatisfactory or no response is received, the Commission issues a "reasoned opinion", which is a formal notice of infringement. This opinion sets out the legal grounds for the infringement and invites the Member State to comply within a further period, usually two months.

If the Member State still fails to comply, the case may be referred to the Court of Justice of the European Union (CJEU). The Court then examines the evidence and issues a legally binding judgment, which may require the Member State to cease the infringement and take corrective measures. In cases of persistent or serious infringements, the EU may impose financial penalties or fines, which serve as a deterrent to non-compliance.

Throughout this process, the effectiveness of infringement procedures depends on several factors, including the complexity of the legal issues involved, the cooperation of the Member State, and political considerations. In addition, the duration of cases can vary significantly—from a few months to several years—reflecting procedural complexity and the willingness of the parties to settle disputes amicably.

Infringement procedures are comprehensive but resource-intensive, often requiring legal expertise, detailed investigations, and negotiations. While essential to ensuring the legality and equal application of EU law, they also present challenges, such as procedural delays and political tensions. Analysing these procedures from a statistical perspective allows stakeholders to assess their effectiveness, identify areas or sectors with persistent problems, and develop strategies for more effective enforcement in the future.

3. Methodology

This analysis is based on a comprehensive review of publicly available data and official reports on infringement proceedings at the EU level. Primary sources include the European Commission's database on infringement cases and annual reports on infringement proceedings.

The analysis developed for this article uses data covering a five-year period (2019-2023), thus allowing for an examination of areas with significant impact as well as long-term trends and patterns.

The data was collected from the European Commission's database on infringement proceedings, which details all open, closed, and ongoing cases (1).

It is updated in real time. The database also allows searching for cases of infringements of Community law that were opened or closed during the period analyzed or for types of decisions (e.g., letters of formal notice, reasoned opinions, or referrals to the Court of Justice, etc.).

In our analysis, we used the following parameters:

- Distribution of the number of new cases, closed cases, or cases still open at the end year for the period 2019-2023
- Distribution of new cases for the period 2019-2023
- Distribution of cases open at the end of the year for the period 2019-2023
- Distribution by type of infringement of legislation for each Member State, taking into account:
    - infringements of regulations, treaties, and decisions
    - infringements concerning late transposition
    - infringements concerning incorrect transposition and/or incorrect application of directives

4. Results

a). Distribution of the number of new cases, closed or remaining open at the end year for the period 2019-2023:

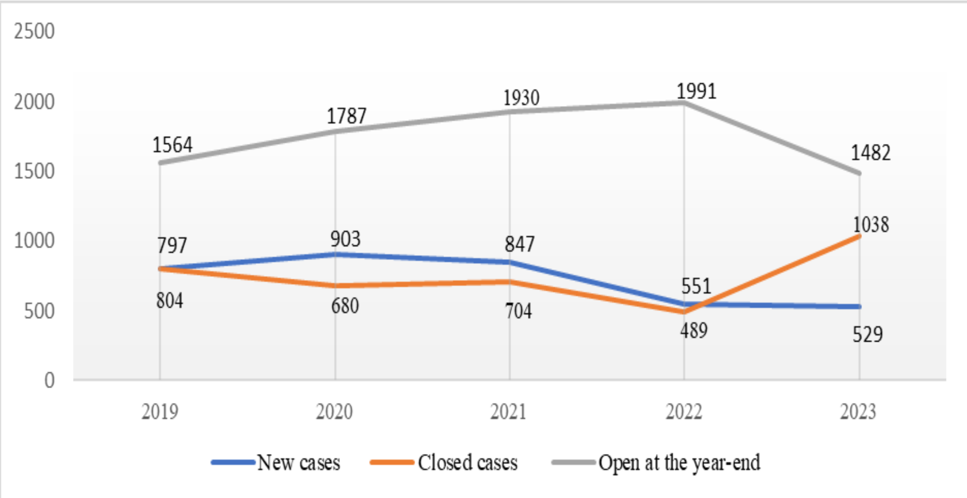

Chart 1. Distribution of the number of new cases, closed or remaining open at the end year

For each year and each criteria analyzed, an attempt was made to break down the number of cases for each policy area. However, given that the database identifies 30 EU policy areas (2), a reporting on 5 policy areas was chosen, namely: environment, internal market, justice and consumers, mobility and transport, migration and home affairs.

Thus, in relation to the five policy areas, the results identified were as follows:

Tabel 1: Number of cases for the 5 chosen policy areas

Policy area	Year	New cases	Closed cases	Open at the end year
Environment	2019	175	146	327
	2020	236	118	445
	2021	52	141	356
	2022	103	92	369
	2023	109	184	293

Policy area	Year	New cases	Closed cases	Open at the end year
Internal market	2019	147	77	241
	2020	34	45	194
	2021	28	66	155
	2022	13	11	158
	2023	35	97	95
Justice and consumers	2019	78	73	164
	2020	37	64	120
	2021	120	31	209
	2022	106	59	257
	2023	89	104	243
Mobility and transport	2019	83	124	203
	2020	154	80	277
	2021	112	158	231
	2022	121	62	290
	2023	91	156	225
Migration and home affairs	2019	58	65	139
	2020	63	60	167
	2021	89	67	189
	2022	17	67	142
	2023	61	70	133

b. Distribution of new cases for the 2019-2023 period

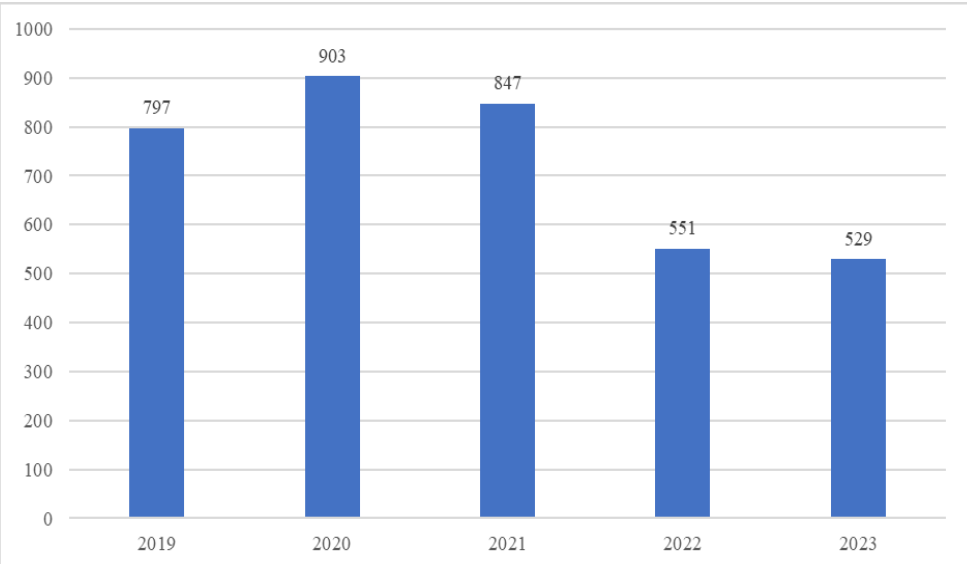

Chart 2. Distribution of new infringement cases (2019–2023)

c. Distribution of cases opened at the end year for the period 2019-2023

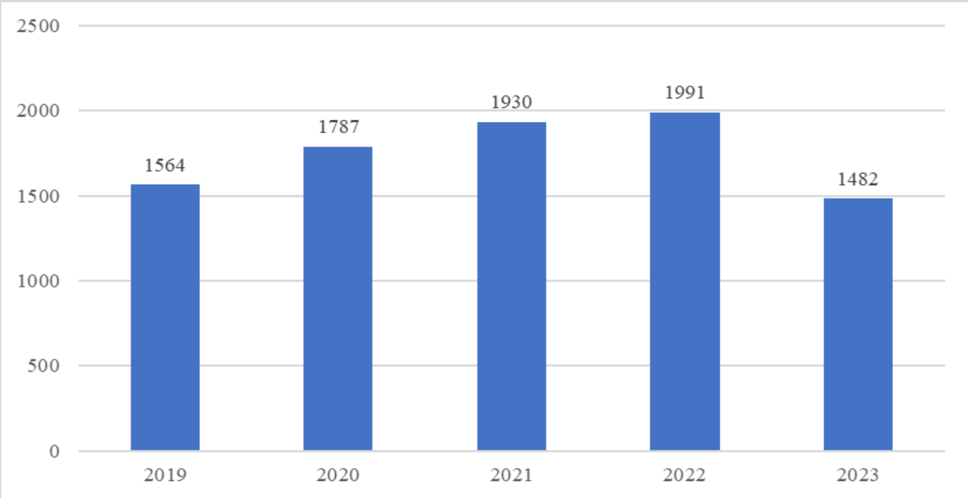

Chart 3. Distribution of cases opened at the end year (2019–2023)

d. Distribution by type of infringement of legislation for each Member State, taking into account: infringements of regulations, treaties, and decisions; infringements concerning late transposition; and infringements concerning incorrect transposition and/or incorrect application of directives

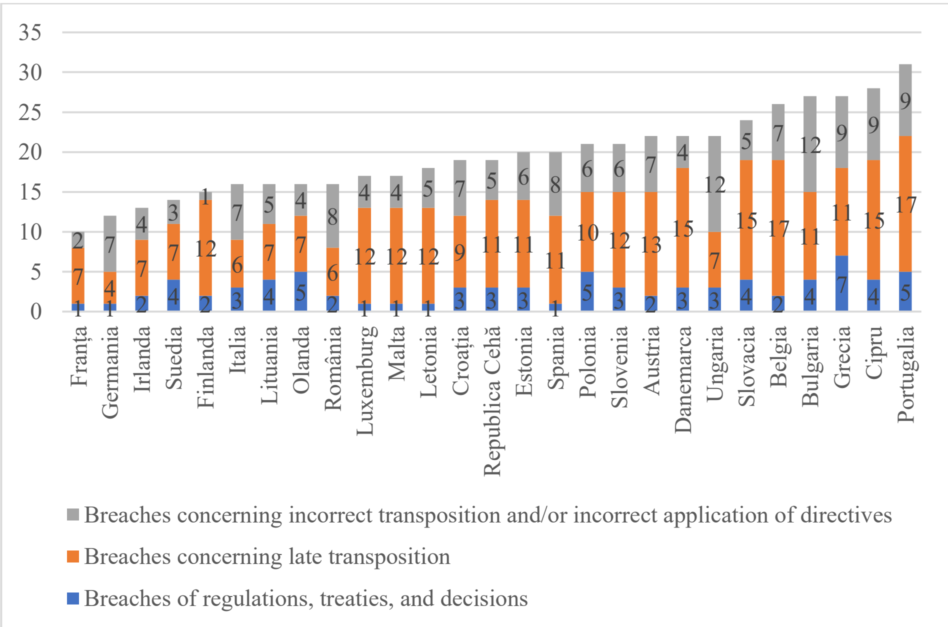

Chart 4. Infringement cases by type of violation of legislation

5. Interpretation of the Results

In 2023, the Commission decided to refer a total of 82 cases to the Court of Justice of the European Union. Seventy-seven of these cases were referred to the Court for the first time (under Article 258 and/or Article 260(3) TFEU), and five cases were referred to the Court for the second time (under Article 260).

Once it has decided to refer a case to the Court, the Commission prepares and submits the application to the Court of Justice of the European Union. In 2023, the Commission referred 49 cases to the Court (including cases for which the decision to refer had been taken before 2023).

Under Article 260(3) TFEU, if a Member State has not notified the Commission of the measures transposing a legislative directive, the Commission may propose financial penalties even when referring the case to the Court for the first time. The Commission has asked the Court to impose financial penalties in 40 cases.

In 2023, the Court delivered 19 judgments under Article 258 TFEU, one judgment under Articles 258 and 260(3) TFEU, and three judgments under Article 260(2) TFEU. The Court imposed financial penalties on two Member States, Romania and Sweden.

In the case of Romania, this concerns Case C-109/22. On December 14, 2023, the CJEU delivered its judgment in Case C-109/22, imposing financial penalties on Romania following the Romanian state's failure to close all 68 unauthorized waste disposal sites covered by Action C-301/17 brought in the past by the Commission. More specifically, based on the latter judgment, the Romanian State was required to take all necessary measures to close as soon as possible those waste disposal sites that had not received authorisation to continue operating, thereby violating both national and EU provisions in force and applicable in this area.

Thus, the CJEU forced Romania to pay the European Commission a penalty of €600 per landfill and per day of delay from the date of the judgment until the complete execution of the judgment in case C-301/17 (€18,600 per day, based on the existing number of non-compliant waste sites, or approximately €6,800,000 per year). In addition, the Court ordered Romania to pay a lump sum of €1,500,000.

In 2023, 21 judgments were in favour of the Commission, while in two cases concerning Bulgaria and Denmark, the Court dismissed the Commission's action.

Member States are required to take all necessary measures to comply with the Court's judgment without delay. However, this is not always the case. At the end of 2023, 80 infringement proceedings under Article 258 TFEU and 17 infringement proceedings under Article 260(2) TFEU were still pending after the Court had delivered its judgment, because the Commission considered that the Member States had not yet complied with the judgments. In cases where the Court had already imposed financial penalties, the Member States concerned have paid late payment penalties since the Court's judgment, and the Commission will continue to request these payments until the Member States fully comply with the judgment.

Between 2019 and 2023, the European Union saw a significant increase in the enforcement of sanctions for infringements, reflecting the strategic focus on strengthening compliance with its legal framework. On average, around 640 infringement cases were initiated per year, totaling around 3,200 cases over the five-year period. This represents an increase of 10-15% compared to previous years, highlighting the EU's intensified efforts to address legal violations in Member States.

The sectoral landscape has changed significantly during this period. Breaches of environmental legislation have increased significantly, accounting for around 40% of all infringement cases, a rise driven by the EU's ambitious climate and sustainability policies, such as the Green Deal (3). Enforcement efforts in this area focused on issues such as pollution control, waste management, and biodiversity conservation, particularly in Eastern and Southern Europe, where compliance challenges remained significant.

Meanwhile, cases related to digital and privacy legislation, particularly the application of the GDPR and digital market regulations, have increased substantially. These violations accounted for approximately 15% of all cases, highlighting the European Commission's focus on digital sovereignty, data privacy, and cybersecurity in response to rapid technological advances and increasing digitization.

The internal market and competition law sectors continued to be critical areas of enforcement, each accounting for around 20-25% of infringement actions. These cases focused on the removal of trade barriers, licensing issues, and investigations into market dominance. The focus on these areas reflects ongoing efforts to ensure a fully integrated and fair single market.

Geographically, infringement rates remained high in countries such as Romania, Poland, and Greece, where compliance challenges and legal capacities remained limited. However, larger economies such as Germany and France saw notable improvements, with fewer new cases, indicating successful reforms and better compliance with EU law.

From a procedural point of view, the resolution of cases took longer than in previous periods, with the average duration extending to around 20 months. The delays were influenced by disruptions related to the pandemic, particularly in judicial proceedings, as well as by the increasing complexity of cases in the areas of environmental and competition law. Despite these challenges, some sectors – in particular internal market cases – benefited from digital reforms that helped to streamline processes and reduce resolution times.

Enforcement results during this period showed a stronger stance by the EU. Around 70% of infringement cases led to corrective measures or legislative changes by Member States, reflecting a strengthened culture of compliance. High-profile cases, particularly in the areas of data protection and competition law, resulted in record fines of over €1 billion, underscoring the EU's willingness to impose substantial penalties to uphold its legal standards (4,5) In addition, the proportion of cases resolved by court rulings or binding enforcement decisions has increased, indicating a shift towards stricter and more legally enforceable solutions.

6. Conclusions

Between 2019 and 2023, the European Union's enforcement efforts reveal several noteworthy trends that go beyond simply counting cases. The significant increase in infringement proceedings underscores the EU's growing commitment to strengthening legal certainty and ensuring the effective implementation of its policies in all Member States. The increasing use of binding court rulings and substantial fines demonstrates the Union's willingness to take firm action to effectively deter non-compliance and promote a culture of compliance with EU law.

Looking ahead, enforcement is increasingly targeting emerging sectors aligned with Europe's strategic priorities, such as environmental sustainability and digital rights. The upward trend in infringements in these areas highlights the need for enforcement mechanisms to evolve rapidly, addressing the challenges posed by new technologies and climate policies. As these issues become central to EU policy-making, the role of enforcement will be key to ensuring the effectiveness of future legislation.

Despite these successes, operational limitations remain. Procedural delays and resource constraints are evident, particularly given the complexity of environmental and competition cases. These challenges call for capacity building, technological innovation, and increased cooperation between EU institutions and Member States to improve the efficiency of enforcement and reduce the length of time it takes to resolve cases.

In addition, differences observed between regions suggest that there are still gaps in enforcement. Some Member States or sectors appear to face difficulties in terms of compliance, whether due to institutional capacity, legal frameworks, or political factors. Addressing these issues will require tailored support, technical assistance, and enhanced political commitment to promote more uniform enforcement across the Union.

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3. The European Green Deal is the EU's growth strategy. Launched in 2019, it consists of a package of policy initiatives that put the EU on track for a green transition, with the ultimate goal of achieving climate neutrality by 2050. It is the EU's contribution to the Paris Agreement, which the EU and all its Member States have ratified and which set the goal of limiting global warming to a maximum of +1.5°C compared to pre-industrial levels.
4. Case against Meta (Facebook): In July 2021, Facebook's parent company, Meta, was fined €265 million by the Irish Data Protection Commission for GDPR violations. Subsequently, in 2022, the DPC issued additional fines totalling over €1 billion in several cases related to data processing violations.
5. Apple tax case: The European Commission's August 2020 decision found that Ireland had granted Apple illegal state aid worth approximately €13 billion in the form of unpaid taxes.

Multidimensional Analysis of the Causes of Criminal Behaviour

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Abstract: Criminal behaviour is not amenable to comprehensive understanding in the absence of analysis of the social, family, and institutional environments that shape the individual's developmental trajectory. Environmental factors play an essential role in shaping the predisposition toward deviance, exerting influence both the psychological and emotional development of the child and the mechanisms underpinning the child's adjustment to prevailing social normative frameworks.

Keywords: *child development; criminal behavior; family influences; social environment*

J.E.L. Classifications: K42, Z13, J13

1. Introduction

MAOA gene, X chromosome, sexual sadism, hypomethylation of the MB-COMT promoter. In this paper we seek to articulate a realistic and up-to-date examination of the manner in which genetic predispositions and environmental influences converge to shape violent and deviant behaviours. Through an integrative approach, one that combines genetic, social, family, educational, and psychological perspectives, we aim to advance a deeper understanding of the factors capable of precipitating extreme acts of violence.

1.1. Interaction between Heredity and Environment in the Development of Human Behaviour

The classical debate on the interplay between innate predispositions and environmental conditions in explaining human behaviour has served as a core conceptual issue in the field of social sciences, psychology, and biology for centuries, with origins that can be identified as early as ancient philosophy and continuing to be a pivotal theme of contemporary scientific research. At its core, this debate raises the crucial question: are we shaped predominantly by our genetic inheritance (nature) or by the environmental influences (nurture) in which we live?

Throughout history, many thinkers and scholars have endeavoured to explain why individuals act as they do, developing theories that have fluctuated between emphasising the primacy of biological factors and highlighting the decisive role of the social environment. A seminal contribution to this debate was articulated by John Locke in the 17th century, who introduced the famous concept of "tabula rasa", arguing that the human mind is, at birth, a "blank slate", and that personality and behaviour are shaped exclusively through life experiences and environmental influences. From this perspective, education, family, culture, and lived events play a determining role in shaping individual development.

In contrast to this position, Jean-Jacques Rousseau argued in favour of the primacy of nature, asserting that human development follows a natural course, governed by innate factors, and external influences ought to be limited so as not to distort the individual's inherent potential. These opposing perspectives have, over time, shaped and fuelled the modern debate on the relative influence of genetic inheritance and the environment on human behaviour.

These empirical insights reinforce the premise that the development of human behaviour cannot be accounted for exclusively through hereditary factors or environment but must be understood as the outcome of a permanent interaction between the two dimensions. In this framework, analysing the manner in which this interaction may contribute to the emergence of extreme behaviours, such as those manifested by serial killers, becomes particularly relevant.

1.2. Influence of Genetic Factors on Criminal Behaviour

Genetic factors have been identified as exerting a significant influence in the development underlying aggressive behaviours.

In the study authored by Lucija Erhatić it is mentioned that the MAOA gene, colloquially referred to as the "warrior gene", has been associated with aggression and violent proclivities, having a potentially significant role in the development of criminal behaviour, particularly in the case of serial killers. This gene, located on the X chromosome, plays a crucial role in regulating the levels of essential neurotransmitters such as dopamine, serotonin, norepinephrine, and epinephrine, that exert significant influence over mood, impulse control, and aggression. In individuals with a typical allelic expression or an optimally functioning MAOA gene, these neurotransmitters are broken down effectively, helping to prevent impulsive and aggressive behaviour. However, in the presence of a mutation or functional deficiency, the metabolic breakdown process is slowed down, resulting in the abnormal accumulation of these substances, especially dopamine. This chemical imbalance can precipitate increased irritability, impulsivity, and a markedly increased propensity for violent behavioural manifestations.

Low-expression MAOA alleles are more commonly observed in men, as they inherit only one X chromosome, and are, therefore, more vulnerable to the gene's negative effects. Studies show that individuals carrying this genetic variation exhibit an increased propensity for hostile or aggressive behaviours, particularly when exposed to harmful environmental factors such as childhood trauma or maltreatment. The interplay between hereditary predispositions and environmental factors may contribute to the emergence of violent tendencies, a pattern frequently documented in serial killers. The MAOA gene has also been invoked in recent years in a legal context as part of the defence strategy in criminal proceedings to argue for reduced criminal responsibility in cases involving violent offences. In certain situations, this line of defence has resulted in more lenient sentences, with genetic predisposition being acknowledged as a mitigating factor in the assessment of criminal liability.

However, the presence of a low-activity MAOA gene does not, in itself, guarantee the manifestation of violent behaviour. It may, nevertheless, be an important component of a broader multifactorial framework, particularly when operating in conjunction with other factors such as stress, trauma, or brain injury. Several high-profile serial killers are suspected to have carried this genetic variation, which may have exerted an influential role in shaping their actions. For example, Ted Bundy, although he grew up in a seemingly stable family, manifested early-onset deviant behaviours, such as a fascination with knives. As a teenager, he was suspected of engaging in theft and voyeuristic behaviour, and as he matured, he committed increasingly serious offences, his first homicide taking place at the age of 27. Although he was neither abused in childhood nor known to have sustained head injuries, it is believed that a low-activity MAOA gene may have contributed to his violent behavioural manifestations. A major psychological factor was his discovery at the age of 13 that the woman he believed to be his sister was, in fact, his biological mother, and the woman he thought was his mother was actually his grandmother, a revelation likely to have inflicted profound psychological trauma. In addition, breaking up with his ex-girlfriend may have operated as a triggering factor, suggesting a combination of genetic predispositions and environmental stressors. It is possible that Bundy may have suppressed violent impulses until he was subjected to substantial external stress.

Another notable example is Jeffrey Dahmer, who exhibited abnormal behaviours from early childhood. He committed disturbing acts toward animals prior to escalating his behaviour to the killing of human beings. His psychological background, in conjunction with a history of childhood abuse, are considered factors that have laid the groundwork for his subsequent criminal acts. It is believed that the presence of a low-activity MAOA gene may have exacerbated his psychopathic tendencies, particularly in the context of childhood trauma.

Another key factor in comprehending violent behaviour is traumatic brain injury, described in the same study.

Thus, the author mentions that brain injuries and craniocerebral trauma, frequently caused by accidents, falls, acts of aggression or motor vehicle collisions, can exert profound and long-lasting effects on the cognitive, emotional health, and behavioural functioning of affected individuals. These traumas become all the more critical when they occur during childhood, a period when the brain is undergoing substantial development. In these circumstances, they may induce permanent neurological damage that exerts long-term influence over personality, emotions, and behavioural patterns. In particular, difficulties with emotional regulation, problems with impulse control, and aggressive tendencies occur frequently as a result of such injuries, constituting key elements in understanding recurrent criminal behaviour, particularly in the behavioural profiles of serial killers.

Individuals who have suffered such traumatic injuries often exhibit cognitive and sensory deficits, emotional instability, and difficulties in decision-making. In childhood, such injuries may result in the brain generating novel neural networks which often lack the functional efficacy of the pre-existing ones. This process may result in significant behavioural shifts accompanied by transformative changes in personality structure. In the case of the prison population, studies indicate an extremely high prevalence of brain injuries, with a significant proportion of inmates reporting such experiences, many of which are of relatively recent occurrence. Such injuries are frequently correlated with high levels of aggression, mental disorders, diminished cognitive performance, and an increased risk of relapse.

Marked differences between the sexes are likewise evident. A large proportion of men in prison have sustained head trauma, often before reaching adulthood, which coincides with an early entry into the prison system. These individuals generally exhibit a higher likelihood of reoffending and tend to remain in detention for extended periods. Among female prison population, the prevalence of head trauma is even higher, with many reporting loss of consciousness associated with these episodes. A correlation is likewise observed between such injuries and a history of abuse and maltreatment, that may play a substantive role in precipitating criminal behavioural patterns. Among juvenile offenders, the majority have sustained brain trauma, and those who have experienced multiple such episodes exhibit a markedly higher propensity to engage in violent conduct and to reoffend.

An emblematic case for illustrating the complex relationship between brain trauma and violent criminal behaviour is that of Richard Ramirez, known as the "Night Stalker". Throughout his life, Ramirez sustained multiple severe head injuries beginning in early childhood. At the age of two, a cabinet fell on him, and rendered him unconscious, causing him severe injuries, and at five years old, he was again seriously injured after being struck in the head by a swing. These traumas precipitated the onset of temporal lobe epilepsy, a condition that is frequently correlated with deviant sexual behaviours, exacerbated aggression and exaggerated religious convictions. In addition to these clear neurological problems, Ramirez was also subjected to an extremely abusive family environment, witnessing severe acts of violence from an early age, including the homicide of a relative. Subsequent research identified traits consistent with autism spectrum disorder (ASD), such as socialisation difficulties and social withdrawal, which further exacerbated his behavioural disturbances and antisocial tendencies.

Thus, although there is a clear link between brain trauma and violent behaviour, it is essential to acknowledge that such injuries constitute merely a single component within a complex interplay of genetic predispositions and social and familial environmental influences. Ramirez's case is particularly relevant insofar as it demonstrates that brain injuries alone do not fully account for extreme violent behaviour, rather they contribute substantially to the development of antisocial traits and tendencies that, when amplified by adverse environmental conditions and deleterious psychological factors, may lead to extreme violence and criminal behaviour.

Furthermore, author Lucija Erhatić describes the influence of underlying biological factors in the manifestation of sexual sadism as an extreme form of criminal behaviour.

Sexual sadism constitutes a core factor in understanding the behavioural patterns of serial sex offenders, often characterised by sexual pleasure derived from cruelty, humiliation, and violence inflicted upon others. This type of behaviour is intricately associated with an underlying biological predisposition that can exert a profound influence on an individual's aggressive traits. Sadism, as defined in the literature, involves obtaining sexual pleasure, sometimes even orgasm, from acts involving the physical or psychological suffering of others. Even though its definition has historical roots dating back more than a century, it remains highly relevant today and is included in modern psychiatric diagnostic textbooks.

This predisposition toward cruelty may be conceptualised as an element within a broader spectrum of aggressive behavioural patterns that likewise manifest across the animal kingdom. In many species, aggression functions as a component of mating behaviour, thereby suggesting a potential evolutionary basis. For example, male chimpanzees frequently use force to secure reproductive partners. In humans, similar behavioural patterns may evolve into sadistic tendencies, particularly in individuals who experience sexual arousal through acts of domination and inflicting harm.

Behavioural studies indicate that a significant segment of the male population have reported sexual fantasies involving the infliction of pain, thereby suggesting that such proclivities may be far more widespread than commonly believed. Men who display antisocial traits and aggressive behavioural patterns are more likely to exhibit increased sexual arousal when exposed to images of women in distress. This suggests that certain antisocial traits may be underpinned by an important genetic component, and that the convergence of aggression, antisociality, and sexual gratification may contribute to a predisposition toward extreme violence.

The spectrum of sexual sadism is broad, with only a minority of men displaying its severe forms. However, varying degrees of interest in sexual dominance may be observed across a considerably broader segment of the population. Studies analysing the content of erotic magazines indicate that a significant proportion of men show attraction toward sadomasochistic themes. This reality supports the idea that sexual sadism lies at the extreme end of a continuum of sexual aggression. In this context, serial sexual offenders are individuals who amplify aggressive impulses that are relatively common, turning them into acts of stalking, torture, and murder.

Another key component in understanding the behaviour of these individuals is the neurobiological dimension underpinning the thrill-seeking and pleasure associated with violence. These offenders derive pleasure not only from the act of killing itself, but also from the process of stalking and dominating their victims. This tendency may be related to dysregulations in dopamine regulation or imbalances in other neurotransmitters that enhance the sense of reward associated with violent behaviours. Thus, sensation-seeking behaviour may evolve over time into a compulsive need to kill, insofar as it is only through continuous violence that these individuals can satisfy their impulses.

This escalation of violence can be observed in many instances in which offenders perpetrate increasingly violent and sadistic acts as their criminal behaviour progresses. Historical examples illustrate the manifestation of sexual sadism in its most extreme forms. Some of these offenders have described experiencing intense sexual pleasure during their acts of cruelty, expressing feelings of exaltation and satisfaction during repeated acts of strangulation or stabbing. These cases demonstrate the inextricable link between sexual arousal and violence in certain individuals, thereby reinforcing the idea that biological predispositions may play a major role in the development of such behavioural patterns.

Even though environmental factors contribute to shaping violent tendencies, the core of sexual sadism and the drive to kill for pleasure seem to be deeply rooted in biological and neuropsychological factors. The intense drive for sexual satisfaction, combined with aggressive and antisocial traits, may propel certain individuals toward the outermost boundaries of violent behaviour, where only murder can satisfy their need for dominance and control. This perspective reflects a deeper understanding of serial sex offenders as individuals driven by instinctual, powerful, innate forces that cause them to commit acts of unimaginable cruelty.

Another significant genetic factor is the COMT gene, involved in the breakdown of dopamine, a neurotransmitter associated with motivation and reward. Research has shown that variations in this gene, when occurring in conjunction with cannabis use, may contribute to the onset of psychotic manifestations and, in some cases, precipitate schizophrenic pathology. A strong correlation has been identified between hypomethylation of the MB-COMT promoter and increased susceptibility to disorders such as schizophrenia and bipolar disorder. Furthermore, the CADM2 gene, which is involved in the development of the nervous system, has also been correlated with aggressive behaviour, particularly in men, and has previously been linked to several psychiatric disorders.

In addition to genetic factors, epigenetics provides a relevant explanatory framework for understanding serial killer behaviour.

Thus, relevant epigenetic modifications include DNA methylation and histone acetylation. Methylation involves the addition of a methyl group to a cytosine molecule, which reduces gene expression, while histone acetylation leads to increased gene expression.

Research has shown that childhood traumas, such as abuse or neglect, cause increased DNA methylation in genes involved in stress regulation, such as the NR3C1 gene. This modification is associated with an increased risk of developing aggressive behavioural patterns. Moreover, these traumas can result both in structural and functional changes in the brain, affecting regions involved in the processing of emotions and cognition.

Epigenetic factors modulate the expression of genes involved in stress regulation and emotion processing, and their effects may persist over the long term. These modifications may precipitate impulsive and aggressive behaviours, particularly when they occur alongside adverse environmental conditions, such as poverty, lack of social support, or exposure to violence. Elevated levels of DNA methylation have also been correlated with alterations in synaptic functions, neuronal plasticity, and brain connectivity, all of which contribute to aberrant cognitive functioning.

Recent research has shown that the brain tissue of serial killers exhibits high levels of DNA methylation in genes involved in neuronal plasticity, stress response, and synaptic functions, which could contribute to the development of severe cognitive and behavioural dysfunctions. Studies on epigenetic modifications in the brains of serial killers suggest that these processes may disrupt neural connectivity and contribute to the emergence of deviant behavioural patterns.

2. Psychological Theories and Personality Models

The interaction between genes and the constitutes is a major topic of interest in explaining criminal behaviour, being addressed by numerous theories in psychology and criminology. One of these theories is the general arousal theory, presented in detail in the following sections. This theory argues that both genetic and environmental factors contribute, in an interdependent manner, to the formation of personality traits and, implicitly, to the manifestation of deviant behaviours. This theory emphasises that no singular cause of criminal behaviour can be isolated, but rather a complex interaction between hereditary predispositions and influences of the social environment.

Psychologist Hans Eysenck has developed an explanatory model known as the PEN model, which examines human personality through the lens of three essential factors: psychoticism, extraversion, and neuroticism. In his view, these factors contribute substantially to the predisposition of individuals toward antisocial or criminal behaviours. Psychoticism is associated with personality traits such as aggressiveness, impersonality, impulsivity, lack of empathy, affective coldness, and antisocial behaviours. Individuals with high level of psychoticism tend to exhibit emotional detachment from the suffering of others, display marked affective coldness and behave impulsively without considering the moral consequences of their actions.

Extraversion, by contrast, correlates with traits such as sociability, elevated activity levels, pronounced sensation-seeking, carefreeness, dominance, and assertiveness. Extraverted individuals are generally energetic, eager to explore the world around them, constantly looking for new and stimulating experiences. This sensation-seeking drive can, in certain adverse social contexts, precipitate risk-laden behavioural tendencies, including the transgression of social norms or even engaging in criminal activities.

Neuroticism, the third factor analysed by Eysenck, is characterised by a marked predisposition toward anxiety, depression, low self-esteem, irrational reasoning, emotional instability, sudden mood swings, and permanent psychological tension. Individuals with elevated levels of neuroticism are more vulnerable to stress and, in the absence of effective coping mechanisms, may resort to destructive or deviant behaviours, engaging in acts of violence or criminal conduct as a form of releasing accumulated emotional tension.

Eysenck has demonstrated, through empirical studies and research, that these three personality factors can be successfully used in identifying predispositions toward criminal behaviour. Among them, psychoticism plays an essential role in differentiating individuals who manifest criminal behaviour from those who do not exhibit such tendencies. Measuring this factor provides a solid basis for assessing the risk of involvement in antisocial activities and for gaining a deeper understanding of the internal mechanisms that promote the emergence of criminal behaviour.

Eysenck further pointed out that the age of the individual influences the relevance of these factors in explaining deviant behaviour. Extraversion has been shown to be a more effective predictor of antisocial behaviours in young people, who are more prone to risk-taking and involvement in situations that provide strong stimuli. In contrast, neuroticism has been shown to be a more relevant predictor in adults and older individuals, where the accumulation of stress, emotional instability, and lack of effective strategies for managing emotional problems can lead to antisocial or even criminal behaviours.

3. Conclusions

An essential aspect of Eysenck's theory lies in acknowledging the hereditary influence on these personality traits. Numerous research has confirmed that psychoticism, extraversion, and neuroticism have a significant genetic component, suggesting that predispositions to certain types of behaviour are inherited, although their concrete manifestation depends largely on environmental factors. This conclusion supports the idea that personality traits are not determined exclusively by the environment in which the individual lives but are rather the result of a complex interaction between the genetic inheritance and cumulative life experiences.

The multidimensional analysis of criminal behavior reveals that the genesis of deviance cannot be attributed to a single cause, but rather represents the outcome of a permanent and complex interaction between heredity and the social environment. A fundamental aspect of this research, drawing on Hans Eysenck's PEN model, emphasizes that personality traits such as psychoticism, extraversion, and neuroticism possess a significant genetic component. This suggests that predispositions to certain types of behavior are inherited, although their concrete manifestation depends largely on cumulative life experiences.

The following key conclusions emerge from the integrated analysis:

- The Nature-Nurture Synthesis: Human development is not shaped exclusively by a “blank slate” or by innate factors alone, but by a continuous interplay where environmental influences, such as family and education, interact with biological predispositions.

- Biological and Neurological Vulnerability: Genetic variations, such as the low-expression MAOA allele (the "warrior gene"), and traumatic brain injuries can create a physiological foundation for impulsivity and aggression. Cases like those of Richard Ramirez demonstrate how early childhood neurological damage can trigger long-term changes in personality and behavioral patterns.
- The role of Environmental Catalysts: Adverse conditions, including childhood trauma, abuse, or neglect, act as critical triggers for biological predispositions. Epigenetic modifications, such as DNA methylation, show that social environments can physically alter gene expression related to stress regulation, further precipitating violent conduct.
- Predictive value of personality models: Measuring psychoticism serves as a solid basis for differentiating criminal tendencies, while the relevance of extraversion and neuroticism as predictors varies according to the individual's age.
- The extremes of sexual sadism: Severe criminal manifestations, such as sexual sadism in serial offenders, appear to be deeply rooted in neuropsychological dysregulations of dopamine and reward systems, where murder becomes a compulsive satisfy for innate drives for dominance.

Ultimately, an effective understanding of criminal behavior requires a holistic approach that does not isolate biological factors from social ones. Criminality is the result of a multifaceted trajectory where the individual's genetic inheritance is constantly being shaped, amplified, or mitigated by the family and institutional environments in which they develop.

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Women and Emotional Management in Public Institutions: Leadership through Empathy, Balance, and Efficiency

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Abstract: This paper explores the multifaceted role of women in articulating and enacting leadership practices through the lens of emotional management across public institutions environments. In an organisational environment dominated by imperatives of efficiency, transparency, and adaptive responsiveness, female leadership is typified by emotional balance and regulation of affect, empathy, and a proficiency in orchestrating human resources according to long-term sustainability principles. The study integrates both theoretical and empirical perspectives on emotional management, thereby foregrounding the distinctive Romanian configuration of female leadership in public-sector administration. The conclusions underscore the importance of embedding emotional intelligence into leadership strategies as a core catalyst for organizational performance and cohesion.

Keywords: *balance, empathy, female leadership, emotional management, public institutions, efficiency, public management.*

J.E.L. Classifications: J16, M12, M54

1. Introduction

The economic and social reconfigurations witnessed over the last decades have redefined the role of women both within the broader societal landscape and within the managerial environment. In public institutions, where the human dimension exerts a major impact on the efficiency and quality of services delivered, women in leadership positions foster a transformation of management practices predicated upon advanced emotional literacy, cooperation, and balance.

In Romania, the expanding presence of women in leadership positions across central and local public administration constitutes a noteworthy phenomenon. According to Eurostat data (2023), Romania exceeds the European benchmark regarding the presence of women occupying mid-level management positions across the public sector, a trend indicative of a progressive shift toward a more inclusive organizational culture.

The purpose of the article is to articulate the significance of emotional management in the exercise of female leadership in public institutions, with particular emphasis on the values of empathy, balance, and efficiency.

2. Theoretical Framework: Female Leadership and Emotional Intelligence

2.1. The Concept of Female Leadership

Female leadership is often conceptualised as the capacity to lead by means of cooperative practices, interpersonal comprehension, and systemic enhancement of human capital as a core organisational resource. According to Northouse (2021), women in leadership positions tend to adopt a transformational leadership style, grounded in trust and intrinsic motivation, rather than approaches predicated on control or coercive mechanisms.

In the Romanian context, the studies conducted by Zamfir (2019) and Marinescu (2021) show that women occupying managerial positions in the public sector employ a participatory leadership style, one that fosters open communication and the substantive recognition of the diversity of opinions.

2.2. *Emotional Intelligence and Emotional Management*

The concept of emotional intelligence (Goleman, 1998) involves the ability to recognise, comprehend, and manage one's own emotions as well as the emotional expressions of others. In institutional management, this proficiency is associated with team-level outputs and performance, professional satisfaction and vocational fulfilment, and the mitigation of conflict.

Women leaders excel in orchestrating complex emotional interactions, owing to their increased empathy and their ability for cultivating a constructive and supportive organisational climate (Iliescu, 2020). Thus, emotional management becomes a strategic tool for balancing the rational and affective dimensions inherent in the decision-making process.

3. Emotional Management in Public Institutions

Public institutions operate in a complex bureaucratic environment, where decisions are shaped not only by legal rules and procedural frameworks, but also by intricate interpersonal dynamics. Effective emotional management contributes to reducing tensions and fostering heightened levels of workforce engagement.

In the Romanian public administration, women in leadership positions – directors, heads of departments, project managers – face specific challenges: gender stereotypes, social pressure and the imperative to demonstrate competence in an environment predominantly shaped by male-dominated structures (Băluță, 2018).

However, by leveraging their heightened capacities for empathy and effective communication, these leaders manage to create an organisational climate conducive to performance and innovation.

4. Female Leadership: Empathy, Balance, and Efficiency

4.1. *Empathy as a Leadership Tool*

Empathy constitutes the foundation underpinning leadership exercised through positive influence. Women leaders leverage empathy to apprehend employee needs, mediate conflicts, and foster cooperation.

According to a study conducted by the National Institute of Administration (INA, 2022), teams led by women managers exhibit enhanced levels of professional satisfaction alongside reduced rates of staff turnover.

4.2. Emotional Balance

Emotional balance organisational steadiness and climate-specific trust. When confronted with crisis situations, women leaders manage to maintain a calm perspective, anchored in the objective analysis of the unfolding context. Research conducted by Popescu (2020) shows that women managers in the public sector engage in proactive stress-management strategies, fostering an organisational culture predicated on mutual support and empathetic communication.

4.3. Efficiency and Performance

Efficiency in public institutions extends beyond mere productivity, it incorporates the quality of services provided to citizens and the degree of occupational satisfaction experienced by employees. Women leaders contribute to organisational efficiency by integrating the emotional dimension into staff-motivation and performance-evaluation strategies (Rusu, 2021).

In this regard, a sustainable leadership model is outlined, one that combines economic performance with employee well-being and adherence to ethical values.

5. Applied Perspectives: Case Study and Romanian Context

A relevant example is provided by the leadership programmes implemented within the **Ministry of Labor and Social Solidarity**, an institution in which women occupy over 60% of mid-level management positions (INA Report, 2022). The outcomes of the training programmes reveal an enhancement in the efficiency of internal processes and an improvement in the organisational climate, emerging directly from the application of emotional-management principles.

Furthermore, at local level, community development projects led by women (e.g., city halls, county councils) have shown a correlation between empathy-driven leadership practices, civic engagement, and administrative efficiency (Petrescu, 2023).

6. Conclusions

The female leader operating in Romanian public institutions constitutes a pivotal catalyst driving processes of organisational transformation. Through the deployment of empathy, balance, and emotional intelligence, she is able to harmonise institutional objectives with the human needs that characterise the workforce.

Emotional management is not a peripheral dimension, but rather a strategic component of effective leadership. In a global v where public institutions are called to address the increasingly complex needs of citizens, female leadership is asserted as a model of governance predicated upon respect, collaboration, and sustainability-driven efficiency.

The development of emotional-management training programmes and the advancement of gender equity in leadership positions constitute a fundamental axis for the modernisation of the Romanian public administration.

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Interpretation of Art. 219 of the Higher Education Law No. 199/2023

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Abstract: Teaching and research staff in higher education retire upon reaching the age of 65. At the request of the teacher, the status of tenured staff may be maintained until the end of the academic year in which he reaches retirement age. The university senate, based on the criteria of professional performance and the financial situation, may decide to continue the activity of a teaching or research staff after retirement, based on a contract for a fixed period of one year, with the possibility of annual extension according to the university charter, without age limit. If in most units, whether state or private, the employed personnel eagerly await the retirement age, after a long activity that has affected their health and diminished their physical and intellectual strength, the same does not happen with the teaching staff, especially those in higher education, who until this age of 65 have worked hard to accumulate knowledge in the field of the profession, achievements that have materialized through the publication of treatises, textbooks, courses, dozens or even hundreds of scientific articles. Therefore, this age of 65, finds the teaching staff the most prepared to be able to give back, share their knowledge and experience from the department and from life to students, so the possibility of extending the continuation of the activity after this age is justified, by exception in the case where higher education institutions cannot cover the norms with tenured teachers, with all the rights and obligations arising from this quality, based on the annual evaluation of academic performance, according to a methodology established by the university senate. Other possibilities for carrying out teaching activity after retirement are the accumulation of functions or hourly payment.

Keywords: *retirement, teaching staff, extension of activity, accumulation of functions, hourly payment.*

J.E.L. Classifications: I23, J26, J24

1. Introduction

The teaching profession requires a thorough theoretical and practical training, which is obtained during the years of study in successive stages, but also when accessing academic positions from assistant to professor. In addition to these, being a teacher also requires adequate pedagogical training, which is not gained only over time through experience in the classroom, year after year with those you are called to educate.

The crowning achievement of all these achievements is achieved by the teacher towards the end of his career, when he would be most useful in sharing his vast knowledge with those he is called to educate, students, master's or doctoral students, but at the age of 65, the law comes and says, teachers retire, which seems unfair to us, because in most cases, the teacher, at this age, is in the fullness of his physical and intellectual strength, because he leads a sober, orderly life and even a careful and dietary diet chosen, without abuses, with increased care for his health.

2. Provisions of the Law on Retirement

Through art. 219, par. (1) of the Law on Higher Education no. 199/2023, it also gives the possibility of continuing the activity with full rights, to those who wish, until the end of the academic year in which he has reached retirement age.

Another possibility is given by the same article in par. (3) "By way of exception to the provisions of paragraph (1), in the event that higher education institutions cannot cover the norms with tenured staff, they may decide to maintain the status of tenured staff in education and/or research, with all the rights and obligations arising from this status, based on the annual evaluation of academic performance, according to a methodology established by the university senate”.

This wording of the law has sparked much controversy, leaving room for interpretation, either the teacher does not retire and continues his activity under the same employment contract, or the teacher retires but continues his activity under the same employment contract, thus remaining tenured with full rights.

If the teacher's employment contract is terminated, he can no longer be tenured and falls under the provisions of art. 219 par. (2) “The university senate of state, private and denominational higher education institutions, based on the criteria of professional performance and financial situation, may decide on the continuation of the activity of a teaching or research staff after retirement, based on a contract for a fixed period of one year, with the possibility of annual extension according to the university charter, without age limit”.

3. The Status of Tenure in Higher Education

Teaching/research teaching staff means staff who legally hold one of the university teaching or research positions provided for by law.

In relation to the employment relationships established with the higher education institution, teaching staff may be:

- tenured, or
- associate.

Tenured teaching staff means teaching staff who hold a teaching position in a university, obtained through a competition, for an indefinite period. Teaching and research staff employed for a fixed period have the status of teaching and research associate.

The title of tenured professor exists only in relation to a single higher education institution or a single research and development institution; when a teacher carries out teaching or scientific research activities in several higher education institutions or research and development, the title of holder can only be in one of them, and in the others, the title is that of a teaching staff or an associate researcher.

Auxiliary teaching positions are established in the annexes to the salary laws, with the possibility of their completion by order of the Minister of Education and the Minister of Labor and Social Solidarity, depending on the needs of higher education institutions or central university libraries.

Support staff in order to carry out the educational process through an integrated approach to the needs of the student, professionals from other fundamental areas of young people's development, such as health, psychological counseling/evaluation/therapy and social assistance, are included in the higher education system with the status of auxiliary teaching staff.

According to existing academic needs, higher education institutions may hire for determined periods specialists with recognized value in the field in the country and abroad as associate visiting professors.

The employment of specialists with recognized scientific and professional value in the field, from the country or abroad, who do not hold a doctorate, as invited associate teachers, is approved by the department council and approved by the board of directors.

The employment and placement of these specialists is carried out based on a specific methodology approved by the university senate.

4. Attributions of Teaching Staff in Higher Education

The attributions of teaching staff in higher education may include the following:

- teaching activities of teaching, seminars and practical work, practical training and evaluation, according to the curricula and analytical programs
- scientific and methodological training activities and other activities in the interest of education
- scientific research activities, technological development, design and artistic creation activities, according to the specifics.

The specific activities for each teaching position are established by the job description.

Individualized job descriptions are developed at the department or doctoral school level, taking into account the list of positions and becomes an annex to the individual employment contract.

The list of positions is the legal document, based on which the monthly salary of each member of the teaching and research staff is determined.

The job description is the document based on which the individual performance of each teaching staff is evaluated.

The activities related to a university norm are quantified in the annual individual job description by conventional hours. The minimum weight of each type of activity is established, depending on the mission assumed, by the university senate, depending on the specifics and field of specialization. The sum of all hours accumulated through the activities of a university norm must correspond to an annual norm of 8 hours daily.

5. Teaching Norm

The teaching norm is established according to the curriculum and is calculated as an average weekly norm, regardless of the period of the academic year in which it is carried out.

The average weekly norm is established by dividing the number of conventional hours in the individual job description by the number of weeks listed in the curriculum, for the teaching activity of teaching and seminaring throughout the academic year. A conventional hour is defined as a didactic hour of seminar, laboratory, practical work or similar activities.

In short-term and undergraduate education, the hour of teaching activities represents 2 conventional hours.

In master's and doctoral education, the lecture hour is the equivalent of 2.5 conventional hours, and the seminar hour (or other similar activities) represents 1.5 conventional hours.

In the case of full-time teaching in internationally spoken languages, at the bachelor's, master's and doctoral levels, teaching activities, applied activities or other activities may be normalized with an additional multiplicative coefficient of 1.25. The hours of teaching the respective language are an exception to this provision.

Assessment activities are quantified in conventional hours according to the methodology approved by the university senate.

The minimum weekly teaching norm is established as follows (conventional hours):

- University professor: 7 hours per week (minimum 4 hours of teaching)

- Associate professor: 8 hours per week (minimum 4 hours of teaching)
- Lecturer/head of thesis: 10 hours per week (of which at least two hours of conventional teaching activities)
- Assistant professor: 11 hours per week.

According to the teaching norm of the teaching staff who do not carry out scientific research activities or their equivalents, it is higher than the minimum, without exceeding the maximum limit, according to the decision of the faculty council, at the proposal of the department director, or the decision of the doctoral school council. By way of exception, in the situation where the teaching norm cannot be made up, the differences up to the minimum teaching norm are completed with scientific research activities, with the agreement of the faculty council, at the proposal of the department director, respectively with the agreement of the doctoral school council. The reduction of the teaching norm is at most 1/2 of the respective norm, and the research hour is equivalent to 0.5 conventional hours. The teaching staff maintains their status as a holder of the teaching position obtained through competition.

Full-time teachers whose teaching hours cannot be established according to legal provisions may be temporarily transferred, at their request, to full-time scientific research hours, maintaining their status as a full-time teacher in the teaching position obtained through competition. During this period, the teacher has the obligations of research personnel in higher education.

6. Conclusions and Proposals *De Lege Ferenda*

Therefore, as the first and most important possibility, it is to extend the activity of the teaching staff and does not mean the termination of the individual employment contract, as provided for in the Labor Code and Law 360/2023, given that Law no. 199/2023 has a special character compared to those mentioned and which provide general regulations, and that the latter normative act represents a new option of the legislator.

Another possibility is to cumulate, because, according to art. 35 of the Labor Code, any employee who is not prohibited by law (A. Ticlea, 2007) has the right to work for different employers or for the same employer, based on individual labor contracts, benefiting from the corresponding salary for each of them (A. Cioriciu Ștefanescu). However, the title of holder can only be held for one of the higher education institutions that he chooses, and the change of the basic position (Curtea de Apel Cluj, s.civ., dec. nr. 887/2002), REGES, which in fact means another employer, does not mean the termination of the individual labor contract with the first employer, at which he continues to work, but only the “transfer” to REGES under the “authority” of the employer at which the basic position was chosen, followed by the conclusion of a new contract. Exceptions are situations in which the law provides for incompatibilities for the accumulation of certain positions. Therefore, the law does not establish a limit on the number of labor contracts concluded by a single person, whether full-time or part-time, for a fixed or indefinite period (A. Athanasiu, M. Volonciu, L. Dima, O. Cazan, 2007).

Since the provisions of art. 111 of the Labor Code - currently art.114 of the Labor Code, refers to a single contract, it follows that, in the case of full-time employees, the prohibition regarding the maximum legal duration of working time of 48 hours per week, including overtime, does not apply (Alexandru Țiclea, Andrei Popescu, Constantin Tufan, Marioara Țichindelean, Ovidiu Ținca, 2004).

Finally, the third possibility is hourly pay, in the case of fractions of vacant, reserved or temporarily vacant teaching positions, as well as activities that cannot be normalized in teaching positions, can be covered, by hourly pay, by existing teaching staff, employed at maximum rate, by retired teachers, as well as by specialists from other sectors of activity.

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International Child Abduction – Procedural Aspects

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Abstract: In the context of increased mobility of citizens within the European Union, driven inter alia by integration into the Schengen area (1), situations in which members of the same family do not share the same nationality or do not reside in the same Member State are no longer exceptional. This social reality has led, at EU level, to the adoption of uniform rules on jurisdiction, recognition and enforcement of judicial decisions in particularly sensitive areas such as divorce and parental responsibility. The resolution of an international civil dispute has always been challenging. In the European context, this challenge has been amplified by the high standards and safeguards afforded to the parties, both in international civil proceedings and, in particular, in those governed by EU law—most notably Council Regulation (EC) No 2201/2003 of 27 November 2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility (2), and Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, recognition and enforcement of judgments in matrimonial matters and matters of parental responsibility, as well as on international child abduction (3). From the outset, compliance with the jurisdictional rules established by European private international law in family matters has constituted a necessary condition for ensuring the recognition of foreign judgments and for simplifying exequatur procedures.

Keywords: *child's habitual residence; Court of Justice of the European Union; international child abduction; jurisdiction; Hague Convention; Brussels II bis.*

J.E.L Classification: K33, K36, F22

1. Introduction

The relationship between proceedings concerning parental responsibility and international child abduction cases has direct and significant consequences with regard to the jurisdiction of courts to settle disputes arising from the exercise of parental authority over minors. In the context of increased mobility and the intensification of family relationships involving a foreign element, these procedures tend to develop in parallel, particularly within cross-border families, raising complex issues of jurisdictional coordination and coherent application of private international law rules.

In such situations, national courts are required to manage, simultaneously or successively, distinct yet closely interdependent proceedings concerning: the establishment or modification of the exercise of parental responsibility; the determination of the child's residence; the right of the non-resident parent to maintain personal relations with the child; as well as the adjudication of applications based on international return mechanisms. The lack of adequate coordination between these procedures may lead to contradictory decisions, with negative effects both on legal certainty and on the effective protection of the child's best interests.

The legal framework relied upon is primarily Council Regulation (EC) No 2201/2003 of 27 November 2003, Regulation (EU) 2019/1111 of 25 June 2019, and the 1980 Hague Convention on international child abduction (4). These instruments seek to ensure compatible solutions between Member States and to protect the child's best interests.

In national judicial practice, multiple scenarios capable of generating parallel or competing proceedings may be identified, such as: decisions concerning the exercise of parental responsibility and the child's residence; applications regarding the non-resident parent's right to maintain personal relations with the child; adoption of interim or protective measures in matters of parental responsibility; recognition and enforcement proceedings concerning judgments delivered in another Member State; as well as the specific procedures initiated under the 1980 Hague Convention. The interplay of these procedural steps requires careful analysis of jurisdictional rules and of the principle of judicial cooperation between Member States.

2. The General Rule on Jurisdiction in Family Disputes Involving a Foreign Element

In matters concerning the jurisdiction of national courts to resolve disputes relating to the manner in which parental authority is exercised, the governing rule is based on the autonomous concept of the child's "habitual residence", developed in the case-law of the Court of Justice of the European Union in relation to Article 8(1) of Regulation No 2201/2003, according to which: "The courts of a Member State shall have jurisdiction in matters of parental responsibility over a child who is habitually resident in that Member State at the time the court is seised." This wording was taken over in full in Article 7 of Regulation (EU) 2019/1111.

Habitual residence is an autonomous concept, subject to the interpretative rules applicable to instruments of international judicial cooperation. In the absence of any express reference in the Regulation to the law of the Member States for determining the meaning and scope of that concept, the qualification must be carried out in light of the provisions and objectives of the Regulation, in particular those reflected in recital (12), according to which the grounds of jurisdiction it establishes are shaped by the child's best interests (5).

In Case **C-523/07** (6), judgment of 2 April 2009, the Court held that, "for the purposes of Article 8(1) of Regulation No 2201/2003, that residence corresponds to the place which reflects some degree of integration by the child in a social and family environment. To that end, account must be taken, in particular, of the duration, regularity, conditions and reasons for the stay on the territory of a Member State and for the family's move to that State, the child's nationality, the place and conditions of attendance at school, linguistic knowledge, and the family and social relationships maintained by the child in that State. It is for the national court to establish the child's habitual residence, taking account of all the circumstances specific to each individual case."

A range of effects in the sphere of parental responsibility and child protection are linked to the notion of the child's habitual residence, particularly where a situation of wrongful removal or retention of a child arises within the meaning of the Hague Convention.

In order to assess whether the conditions required by Article 3 of the 1980 Hague Convention are met, they must be read together with Article 14 of that Convention, according to which, in determining the existence of a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authority of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognised or not, in the State of the child's habitual residence, without recourse to specific procedures for proving that law or for recognising foreign judgments that would otherwise be applicable (7).

The notion of the child's habitual residence, as an autonomous concept developed in the case-law of the CJEU, does not equate to formal domicile or to the child's/parents' factual dwelling place; rather, it requires a rigorous assessment of the stability criteria that shape the idea of the child's attachment to a particular environment.

Recent private international law scholarship points out that domicile is a formal and declaratory concept, national in nature, determined exclusively pursuant to the **lex fori**. Unlike habitual residence — which requires an assessment of the duration and intensity of presence in a place, i.e., a "de-formalised" stay — domicile represents a declared and formalised presence (6).

Habitual residence, as a connecting factor distinct from domicile and specific to private international law, was established at the beginning of the twentieth century, initially through numerous conventions adopted under the auspices of the Hague Conference on Private International Law, such as the Hague Convention of 12 June 1902 on guardianship of minors (7) and the Hague Convention of 17 July 1905 on interdiction and analogous protective measures (8). Subsequently, the concept was widely used in EU regulations addressing private international law matters, including Regulation (EC) No 593/2008 on the law applicable to contractual obligations (Rome I) (9) and Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II) (10). Habitual residence does not have different meanings across the legal systems that employ it, does not require proof of intent, and is more intuitive than domicile — being closer to factual reality than to a purely legal construct (11).

Determining the child's habitual residence is not merely an abstract exercise in legal classification; it has decisive procedural implications for delimiting the jurisdiction of the courts seised, including the priority accorded to certain applications. Thus, habitual residence generally determines the court competent to rule on the substance of parental responsibility, whereas the court of the State to which the child has been wrongfully removed or in which the child is wrongfully retained is, in principle, limited to examining the return application, without deciding on the substance of parental rights.

This functional separation of competences aims to prevent **forum shopping** and violations of the rights of the parent who remains in the State of origin. In this regard, the CJEU's settled case-law stresses that the mechanism established by the 1980 Hague Convention is not intended to transfer jurisdiction as a consequence of wrongful removal; on the contrary, it aims to preserve the jurisdiction of the courts of the State in which the child was habitually resident before the wrongful act occurred (12).

Moreover, the notion of habitual residence plays an essential role in determining jurisdiction, particularly in the situation provided for by Article 9 of Regulation 2019/1111, which lays down a derogating rule in cases of wrongful removal or retention.

From an evidentiary perspective, establishing habitual residence requires the national court to conduct an in-depth analysis of the factual situation, going beyond formal criteria and involving complex evidence capable of demonstrating the real degree of the child's integration into a particular social and family environment. In practice, particular difficulties arise in cases involving very young children, where integration factors are less visible, and the emphasis tends to fall on the parents' situation — especially the living environment they provide and the stability of family arrangements.

It must also be emphasised that analysis of habitual residence cannot be detached from the principle of the child's best interests, which operates not only as a substantive criterion for resolving the dispute but also as an interpretative principle for jurisdictional rules. In this respect, the proximity criterion enshrined by the Regulation reflects the idea that the court closest to the child's living environment is normally best placed to assess the child's real needs and the appropriate protective measures.

Finally, the relevance of habitual residence is also manifested in the context of judicial cooperation between Member States, as central authorities and courts are required to exchange information and coordinate their actions on the basis of a shared understanding of this autonomous concept. The absence of a uniform approach may lead to jurisdictional conflicts or divergent solutions, undermining the effectiveness of the protective mechanisms established by EU law and the applicable international conventions (14).

3. Determining the Competent Court for Applications Based on the 1980 Hague Convention

The 1980 Hague Convention does not establish criteria for determining the courts competent to decide applications for the prompt return of children wrongfully removed or retained, within the meaning of Article 1(a) of the Convention. Instead, it requires Contracting States to designate central authorities tasked with fulfilling the obligations set out in the Convention, pursuant to Article 6. Accordingly, with respect to the authorities competent to rule on cases falling within the Convention's scope, States retain the freedom to determine, through domestic law, the applicable procedural rules.

In Romania, Article 2 of Law No 369/2004 on the application of the Convention on the Civil Aspects of International Child Abduction provides that: (1) applications submitted by any interested natural person, institution or body from any State party to the Convention for the return of a child present on Romanian territory as a result of wrongful removal or retention within the meaning of Article 3 of the Convention fall within the jurisdiction of the courts; and (2) the competent court is the Bucharest Tribunal for Minors and Family (15).

Romania has adopted a centralised framework, allocating all applications based on the Hague Convention to the jurisdiction of the Bucharest Tribunal for Minors and Family.

By comparison, in Spain the competent court is the **Juzgado de Primera Instancia** (with jurisdiction in family matters) of the provincial capital within whose territorial jurisdiction the minor is located, pursuant to Article 778 of the Spanish Code of Civil Procedure (16).

Unlike Romanian legislation, the Spanish procedure adopts a semi-centralised framework: jurisdiction is not vested in a single court, but neither is it dispersed to any court; only courts in provincial capitals may adjudicate, and the connecting factor is the child's location.

Italy has opted for a similar approach, with jurisdiction lying with the **tribunale per i minorenni** (juvenile court) as a specialised jurisdiction in relation to measures/applications for the child's return, pursuant to Law No 15/1994.

A common feature across the above systems is the absence of exclusive administrative competence to order the child's return. Although central authorities play an essential role in international cooperation, locating the child and facilitating voluntary return, they are not vested with the power to decide on the child's return.

In EU Member States — including Romania, Spain and Italy — rules on internal jurisdiction must be interpreted in conjunction with the Brussels II framework, which reaffirms the urgent nature of return proceedings, imposes minimum procedural standards and strengthens the obligation of States to ensure effective and swift jurisdiction.

While the Hague Convention sets the general framework regarding the competences of Member States' authorities, Regulation 2019/1111 determines how to identify the court competent in cases of international child abduction.

Article 9 of Regulation 2019/1111 establishes a special jurisdictional regime in matters of parental responsibility, applicable in the event of the child's wrongful removal or retention, derogating from the general rule of jurisdiction based on the child's current habitual residence. The rationale is to prevent unlawful conduct from producing favourable legal effects for its author and, at the same time, to ensure effective protection of the rights of the parent or other person to whom the child has been entrusted.

The rule laid down by Article 9 is that, in the event of wrongful removal or retention, jurisdiction remains with the courts of the Member State where the child was habitually resident immediately before the wrongful act. This jurisdiction is maintained even if the child is physically present in another Member State and even if, in fact, a connection begins to form with the new environment. Through this solution, the EU legislature enshrines the principle that a habitual residence acquired as a result of an unlawful situation cannot, in itself, constitute a basis for transferring judicial jurisdiction.

However, jurisdiction of the courts of the State of origin is not absolute or unlimited in time. Article 9 makes its termination subject to the cumulative fulfilment of two general requirements: the child must acquire a new habitual residence in another Member State, and one of the situations expressly and exhaustively provided for by the text must be met. These situations are exceptions to the rule of maintaining jurisdiction and reflect the idea that, in certain circumstances, the child's best interests require stabilising jurisdiction in favour of the courts of the State where the child effectively lives.

The first exception concerns the consent of the person, institution or body to whom the child was entrusted to the child's removal or retention. In this scenario, the unlawfulness of the removal or retention is essentially neutralised by the consent of the holder of custody rights, and maintaining jurisdiction of the courts of the State of origin is no longer justified. Consent thus operates as a legitimising factor for the new factual situation and permits the transfer of jurisdiction to the courts of the State of the child's new habitual residence.

The second exception is more complex and is based on the passage of time and the child's integration into the new environment. The text requires, first, that the child has resided in the other Member State for at least one year from the time when the person to whom the child was entrusted knew or should have known the child's whereabouts. This temporal condition is supplemented by the requirement of the child's integration into the new environment, which entails a concrete assessment of the child's social, family and educational situation. In addition, for jurisdiction to be transferred, at least one of the additional conditions listed in Article 9(b)(i)–(iv) must be met, relating to the inactivity of the holder of custody rights, withdrawal of the return application, or the resolution or closure of proceedings initiated in the State of origin.

These additional conditions reflect the idea that maintaining jurisdiction of the courts of the State of origin is no longer justified where the entitled person has not acted diligently to secure the child's return, or where judicial proceedings initiated for that purpose have concluded in a manner allowing stabilisation of the child's situation in the new State. In this way, Article 9 strikes a balance between the need to sanction wrongful removals and the need to avoid perpetuating legal uncertainty to the detriment of the child.

Overall, Article 9 establishes a derogating jurisdiction with a temporary and functional character, intended to prevent an unlawful situation from producing effects in the sphere of judicial jurisdiction, but which ceases when — having regard to the time elapsed, the parties' conduct and the child's integration — the child's best interests require a transfer of jurisdiction to the courts of the State of the child's new habitual residence.

4. Prorogation of Jurisdiction in Proceedings Concerning the Exercise of Parental Responsibility and International Child Abduction

Article 10 of Regulation 2019/1111 provides for grounds of prorogation of jurisdiction which, subject to acceptance by the parties, allow proceedings to be brought before the courts of a Member State in which the child is not habitually resident, either because the issue is connected with pending matrimonial proceedings or because the child has a close connection with that Member State (17).

Pursuant to Article 10 of the Regulation: *(1) the courts of a Member State shall have jurisdiction in matters of parental responsibility where the following conditions are met: (a) the child has a substantial connection with that Member State, in particular because: (i) at least one holder of parental responsibility is habitually resident in that Member State; (ii) that Member State was the child's former habitual residence; or (iii) the child is a national of that Member State; (b) the parties, as well as any other holder of parental responsibility: (i) have freely agreed to the jurisdiction at the latest at the time the court is seised; or (ii) have expressly accepted jurisdiction during the proceedings, and the court has ensured that all parties are informed of their right not to accept jurisdiction; and (c) the exercise of jurisdiction is in the child's best interests. (2) A choice-of-court agreement under paragraph (1)(b) shall be concluded in writing, dated and signed by the parties concerned, or recorded in the court's proceedings in accordance with national law and procedures. Any electronic communication which provides a durable record of the agreement shall be deemed to be in writing. Persons who become parties after the court is seised may express their agreement after seisin. In the absence of opposition, their agreement shall be considered implicit. (3) Unless the parties agree otherwise, jurisdiction conferred under paragraph (1) shall cease as soon as: (a) the judgment given in those proceedings is no longer subject to an ordinary appeal; or (b) the* *proceedings have ended for another reason. (4) Jurisdiction conferred under paragraph (1)(b)(ii) shall be exclusive.*

Article 10 thus provides an express derogation from the general rule of jurisdiction based on the child's habitual residence, set out in Article 7, allowing prorogation of the courts' jurisdiction. This derogation is, however, strictly conditioned — both in terms of the parties' will and compatibility with the child's best interests — reflecting its exceptional nature and the restrictive application required by the CJEU's case-law.

The prorogation of jurisdiction under Article 10(1) primarily serves considerations of the sound administration of justice, allowing the court seised of matrimonial proceedings to rule, in a connected manner, on issues of parental responsibility where there is an unequivocal agreement by the holders of parental rights. This solution seeks to avoid fragmentation of proceedings and the risk of contradictory decisions, without undermining the proximity criterion, insofar as the prorogated jurisdiction is deemed to be consistent with the child's best interests.

Essentially, the legal regime of Article 10 must be analysed in close connection with Article 9, which governs jurisdiction in cases of wrongful removal or retention. In international abduction situations, jurisdiction of the courts of the Member State of the child's former habitual residence is, as a rule, maintained precisely to prevent a transfer of jurisdiction as a result of unlawful conduct. From this perspective, prorogation under Article 10 cannot be used to circumvent the protective mechanism of Article 9, nor to legitimise a factual situation created by an unauthorised removal or retention of the child.

Doctrine and case-law have stressed that acceptance of jurisdiction, as an essential element of prorogation, must be freely expressed and devoid of any constraint, including pressure arising from the factual situation created by the child's abduction. In this regard, the consent of the parent who remains in the State of origin cannot be presumed and must be assessed with particular rigour, especially where the child is already present in another Member State as a result of wrongful removal. Accepting the jurisdiction of the courts of the State of refuge in such circumstances risks undermining the Regulation's objective of discouraging forum shopping and of protecting the stability of the child's legal situation (18).

A close connection cannot be inferred solely from the child's physical presence in a Member State resulting from international abduction, as such an interpretation would deprive Article 10 of its effectiveness and would encourage the artificial creation of connecting factors through unlawful conduct.

Consequently, in the event of wrongful removal or retention, prorogation of jurisdiction under Article 10 is admissible only if the Regulation's strict requirements are cumulatively met and only insofar as it does not undermine the rule maintaining the jurisdiction of the courts of the State of the child's former habitual residence. Any other interpretation would risk undermining the normative architecture of Regulation 2019/1111, built on the premise that disputes concerning parental responsibility should, as far as possible, be resolved by the court closest to the child's living environment, independently of any procedural advantages sought by the parties.

In Case **C-436/13**, the CJEU concluded that: "Jurisdiction in matters of parental responsibility, prorogated under Article 12(3) of the Brussels II bis Regulation in favour of a court of a Member State seised by agreement of the holders of parental responsibility, ceases once a judgment that has acquired the authority of res judicata has been delivered in those proceedings."

The issue examined in Case C-436/13 falls within the mechanism for determining jurisdiction in matters of parental responsibility, as regulated by Regulation (EC) No 2201/2003 and Regulation 2019/1111, and specifically concerns the nature, scope and limits of prorogation of jurisdiction under Article 10. The Court was asked to clarify whether the effects of prorogation persist after the conclusion of the proceedings for which the court was seised by agreement, or whether they are strictly limited to the specific proceedings that justified the parties' agreement.

As a general rule, the Regulation confers jurisdiction on the courts of the Member State of the child's habitual residence (Article 7(1)), reflecting the proximity principle and the need for disputes concerning the child to be decided by the court closest to the child's living environment. Prorogation under Article 10 constitutes a derogation from this general rule and is subject to strict conditions, as the EU legislature sought to avoid both forum shopping and destabilisation of judicial jurisdiction in family relations.

In its judgment in Case C-436/13, the Court held that prorogation has a strictly procedural and limited character and is inextricably linked to the concrete proceedings for which the court was seised. It does not create a general or permanent jurisdiction of the chosen court and cannot produce effects beyond the specific procedural framework that justified prorogation. Accordingly, the jurisdiction of the seised court is confined exclusively to the proceedings for which the parties agreed to prorogation and does not extend to subsequent disputes, even if they concern the same child or the same parental responsibility relationship.

The Court expressly emphasised that such prorogated jurisdiction ceases once a judgment having res judicata effect has been delivered in the relevant proceedings. Once the proceedings underlying prorogation are definitively closed, jurisdiction reverts to the court enjoying general jurisdiction, namely the court of the child's habitual residence, without any need for an express finding to that effect. This solution is justified both by legal certainty — requiring clear and foreseeable boundaries of jurisdiction — and by the need for any subsequent proceedings to be decided by the court closest to the child.

The consequences of this interpretation are particularly relevant where subsequent proceedings are initiated to modify measures concerning parental responsibility, contact rights, determination of the child's domicile/residence, or adaptation of previously ordered measures to changed circumstances. In such cases, the court that previously benefited from prorogation cannot base its jurisdiction on Article 10 in the absence of a new agreement by the holders of parental responsibility and a renewed assessment of the child's best interests. Accepting the contrary interpretation would transform an exceptional and temporary jurisdiction into a de facto permanent one, incompatible with the structure and purpose of the Brussels II bis system.

In conclusion, by its judgment in Case C-436/13, the CJEU enshrined a restrictive and time-limited interpretation of prorogation of jurisdiction in matters of parental responsibility, emphasising that it operates exclusively for the specific proceedings that justified seisin and ceases upon their definitive completion. This case-law confirms the primacy of the general jurisdiction rule based on the child's habitual residence and ensures a coherent balance between the autonomy of will of holders of parental responsibility, the proximity principle and the child's best interests, which remains the fundamental criterion in applying EU jurisdictional rules.

5. Determining Jurisdiction where Parallel Proceedings Exist in Matters of Parental Responsibility and International Child Abduction

The issue of proceedings conducted in parallel—concerning the enforcement of decisions on parental responsibility and those relating to international child abduction — highlights the practical and legal difficulties that may arise when these mechanisms overlap. The likelihood of such situations is high, especially in cross-border contexts, and identifying an appropriate legal solution requires careful analysis of available instruments and their purposes.

In practice, such situations frequently occur where enforcement is sought in another Member State of a judgment delivered in matters of parental responsibility, and, meanwhile, one parent wrongfully removes or retains the child, giving rise to international abduction proceedings. In this context, the question arises as to the optimal procedural route: on the one hand, enforcement of the custody judgment or interim measure; on the other, lodging an application for the child's return under the Hague Convention and Regulation 2019/1111. The advantages and disadvantages of each option depend on the specific circumstances, the stage of proceedings and the speed of available mechanisms.

A case in which a child was removed from Hungary to Romania illustrates these difficulties clearly. After the breakdown of the marriage, the child lived in Hungary with both parents, and the Hungarian courts were seised regarding parental responsibility. Subsequently, the father removed the child to Romania under the pretext of a holiday and failed to return. The mother initiated child abduction proceedings with the involvement of the central authorities of both States and sought from the Hungarian court an interim measure granting her exclusive custody, which was granted with immediate effect irrespective of any appeal. In parallel, the father seised a Romanian court with a custody application, which was dismissed for lack of jurisdiction, the Romanian court recognising the child's prior habitual residence in Hungary and the existence of pending international abduction proceedings.

In the return proceedings, the Romanian court ordered the child's return at first instance; the father appealed, so the decision did not produce immediate legal effects. In that interval, the mother could not exercise any effective contact rights, as there was no separate enforceable decision to that effect, and Romanian child protection authorities lacked coercive legal instruments to secure the maintenance of personal relations, being able only to verify the child's general living conditions.

Subsequently, the mother sought in Romania the enforcement of the interim order issued by the Hungarian court, a request subject to exequatur proceedings. Although the first-instance court declared the decision enforceable, the appellate court refused enforcement, holding that the order was not final but only provisionally enforceable in the State of origin. As a consequence of the duration of parallel proceedings, more than one year elapsed before the return decision became final; during that time, the child became integrated into the Romanian environment and strongly opposed returning to the mother, making enforcement practically impossible.

At that point, several proceedings coexisted: in Romania, the father had challenged enforcement of the return order, the mother sought regulation of contact rights, and the father was subject to criminal proceedings for non-compliance with the bailiff's instructions; in Hungary, a judgment granting the mother exclusive custody had been delivered and was under appeal. This situation illustrates the major risk of procedural fragmentation and the loss of effectiveness of protection mechanisms under EU law.

In this context, the so-called "prevalent mechanism", regulated by Article 42 of the Brussels II bis Regulation, is also relevant: it gives priority to enforcing custody decisions ordering the child's return even where a prior non-return decision has been delivered in abduction proceedings. Such decisions benefit from a strengthened enforcement regime, being recognised and enforced without the possibility of refusal, save where they are irreconcilable.

The leading CJEU case-law in this area is the preliminary ruling in **Case C-211/10, Povse** (19). In that case, the Court was called upon to clarify the relationship between abduction proceedings, the jurisdiction of the court of the State of origin and the priority enforcement mechanism provided by the Regulation. The Court reaffirmed the principle of mutual trust between Member States' courts, emphasising that grounds for refusal of recognition and enforcement must be limited to what is strictly necessary. It also held that jurisdiction of the courts of the State where the child was habitually resident is maintained and cannot be transferred except under the strict conditions laid down by the Regulation, in particular Article 10.

A key element of the judgment is the clear distinction between interim measures and final judgments. The Court indicated that an interim measure cannot be regarded as a custody decision not requiring the child's return and, therefore, cannot justify transferring jurisdiction to the courts of the State to which the child was wrongfully removed. Only final judgments, delivered after a full examination of all relevant elements, can produce such effects. At the same time, the Court specified that the priority enforcement mechanism applies only insofar as the return order is based on a final custody decision delivered by the competent court.

Through these clarifications, Povse reinforces the idea that the Brussels II bis system seeks to discourage international child abductions and ensure the prompt return of children, avoiding a situation where procedural delays, interim measures or parallel actions validate, in practice, a situation created through wrongful conduct (20).

6. Conclusions

This analysis highlights the complexity of the relationship between parental responsibility proceedings and international child abduction proceedings, within a European legal context characterised by increased mobility and the intensification of family disputes involving a foreign element. Regulation (EC) No 2201/2003 and Regulation (EU) 2019/1111, together with the 1980 Hague Convention, establish a coherent normative framework built on judicial cooperation and the protection of the child's best interests; however, their effective application requires a rigorous and coordinated interpretation of rules on jurisdiction, recognition and enforcement.

Determining the child's habitual residence is confirmed as a central element in the architecture of judicial jurisdiction, operating not merely as a formal connecting factor, but as an essential instrument for ensuring proximity between the competent court and the child's real living environment. The autonomous character of this notion, as developed in the CJEU's case-law, requires national courts to undertake an in-depth factual analysis aimed at preventing transfers of jurisdiction resulting from situations created through unlawful conduct.

The special regime established by Article 9 of Regulation 2019/1111 reflects this aim by enshrining the maintenance of jurisdiction of the courts of the State of the child's former habitual residence in cases of wrongful removal or retention.

At the same time, prorogation of jurisdiction under Article 10 constitutes a derogation subject to strict interpretation and cannot be detached from the protective mechanisms governing international child abduction. The CJEU's case-law, particularly Case C-436/13, clarifies the limits of this institution, emphasising its temporary character and excluding any extension of prorogated jurisdiction beyond the specific proceedings that justified it.

The issue of parallel proceedings and the enforcement of decisions in international child abduction cases shows, in practice, the risk that delays, fragmentation of judicial steps, or improper reliance on interim measures may lead to a loss of effectiveness of return mechanisms. In this context, the CJEU's case-law, exemplified by Povse (C-211/10), reaffirms the principle of mutual trust and the need for an interpretation that discourages any validation — direct or indirect — of situations created through the abduction of the child.

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Romania in the Current Geopolitical Context, on NATO's Border with Russia

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Abstract: In the geopolitical landscape of 2025, Romania occupies a pivotal position on NATO's eastern flank, adjacent to the Black Sea and in close proximity to Russian territorial interests. This article analyses Romania's strategic role amid escalating tensions with Russia, exacerbated by the prolonged conflict in Ukraine and recent hybrid threats. Russia has intensified efforts to destabilize Romania through disinformation campaigns, election interference, and airspace violations, aiming to erode its staunch pro-NATO and pro-US orientation. The discussion highlights Romania's proactive measures to anchor NATO's presence in the region, including enhanced infrastructure development, industrial contributions, and diplomatic initiatives to internationalize Black Sea security. Collaborative efforts with allies such as Bulgaria and Turkey, underscore Romania's evolution from a peripheral member to a key contributor in collective defence, while addressing structural limitations and the absence of a unifying national project post-EU and NATO integration. NATO's firm responses to Russian incursions, including warnings and countermeasures, reinforce the Alliance's commitment to Article 5 obligations along this frontier. The article concludes that Romania's resilience is essential for European stability, recommending sustained investment in defence capabilities and regional partnerships to counter Russian aggression effectively.

Keywords: *Romania, NATO, RUSSIA, Black Sea, Russian invasion of Ukraine, Hybrid Threats, Disinformation Campaigns, electioninterference, airspace violations, North Atlantic Treaty Organization eastern flank, United States strategic partnership, Bulgaria – Turkey cooperation, regional security, Collective defence, Article 5 of NATO, Defence infrastructure, Black Sea security arhitecture*

J.E.L. Classifications: **F51, F52, H56**

1. Geopolical and Economic Context

1.1. Introduction: Scope and Basic Tenets

The Central and Eastern European (CEE) region, spanning the post-communist states now firmly rooted in the European Union, views cross-border co-operation as nothing less than a strategic necessity. Since joining the EU, these nations have driven this agenda to secure their position, dramatically accelerate economic convergence, and boost collective security within the Euro-Atlantic sphere.

This paper dissects and evaluates three distinct, yet utterly central, mechanisms defining this collaboration: the Three Seas Initiative (3SI), the Visegrád Group (V4), and the EU's Interreg Programmes.

The Three Seas Initiative (3SI) is a geo-economic project involving 12 nations along the Adriatic, Baltic, and Black Seas. Its sharp focus is on strategic investment to finally build modern North-South infrastructure. The Visegrád Group (V4)—Poland, Czechia, Slovakia, and Hungary — functions as a political and cultural club designed to coordinate policy and champion shared regional interests. Meanwhile, the Interreg Programmes, active across EU border regions, pursue territorial cohesion by funding grassroots integration directly, supported by Brussels.

2. Overall and Specific Aims of Cross-border Co-operation. Overall Aim of CEE Cross-border Co-operation

The ultimate goal of this cooperation is to massively boost the region's collective resilience, close the economic gap with Western Europe, and cement CEE's standing as a stable, integrated partner. This means changing CEE's identity from a fragmented periphery into a strategically connected hub.

Crucially, the three schemes covered here only tackle high-priority slices of this immense challenge. Their success hinges on a wider ecosystem of complementary initiatives, such as the EU's Macro-Regional Strategies and the Bucharest Nine (B9) military-security platform, working in perfect sync.

This huge ambition rests on three core, overlapping objectives:

- Achieving Strategic Security and Resilience: The aim is to shift CEE's role from a border region to a proactive security contributor, fully capable of regional defence and supporting major NATO/EU operations.

- Accelerating Socio-Economic Convergence: The mission is to finally erase the decades-long lag in prosperity and infrastructure quality compared to the West. This means deep market integration, smoother trade, and balanced regional development.
- Fostering Political and Institutional Cohesion: This focuses on actively strengthening governance and democratic quality, which is essential for protecting democratic systems from external interference and disruptive disinformation.

Specific Aims of Individual Schemes

- The Three Seas Initiative (3SI) drives economic convergence by pushing investment into vital transport, energy, and digital infrastructure (the "hardware").
- The Visegrád Group (V4) aims to project political solidarity, giving members a unified, louder voice in the EU and NATO, while nurturing cultural exchanges.
- The Interreg Programmes seek territorial cohesion by reducing disparities between border regions and pushing for practical, sustainable integration at the municipal level.

3. Implementation Models

Each initiative uses a distinct tool and follows a specialized route, reflecting its unique mission and funding source.

- The 3SI runs a Top-Down, Commercial operation. Its main engine is the 3SI Investment Fund (3SIIF), which acts like a private infrastructure fund. Projects are first given a political nod, then they must prove commercial viability, and finally, the 3SIIF signs off, with implementation handled by private or national agencies.
- The V4 uses a Flexible, Dual-Level structure. Political coordination happens at summits, leading to joint declarations and united voting. Cultural and local outcomes are managed by the International Visegrad Fund (IVF), which quickly awards competitive grants to civil society and academic projects.

- The Interreg Programmes are Institutional and Bottom-Up, sitting squarely within the EU’s cohesion framework. Local partners design projects, the Monitoring Committee (MC) approves them, and execution follows a highly regulated path where costs are reimbursed only after strict national auditing, demanding total accountability to Brussels.

4. Financing Models and Structures

The financing structures offer a clear snapshot of each scheme's philosophy—from market-driven finance to direct public cash.

- **Three Seas Initiative (3SI): Market-Driven Blended Finance**: The 3SI’s core mission is to reel in private, institutional, and long-term capital. The 3SIIF is a commercial fund fueled by member states’ development banks. Funding is typically blended, mixing 3SIIF capital, national funds, and big EU pots like the Connecting Europe Facility (CEF).
- **Visegrád Group (V4): Direct Equal Public Contribution**: The V4’s social and cultural cooperation is almost entirely backed by the International Visegrad Fund (IVF). This fund is sustained by equal annual contributions from the four V4 governments (roughly €11 million yearly), ensuring genuine political ownership and independence.
- **Interreg Programmes**: Cohesion Policy Co-Funding: Interreg is a workhorse of the EU's Cohesion Policy, mostly funded by the European Regional Development Fund (ERDF). It runs on a co-funding principle: the EU typically covers up to 80% of costs, with the remaining 20% (the national contribution) having to be found from local or national budgets.

5. Track Record: Successful Outcomes

Despite roadblocks, these schemes deliver powerful, documented successes, proving their value and justifying continued investment.

Three Seas Initiative (3SI): Strategic Infrastructure Delivery

- Energy Security and Diversification: The strongest win is the functional North-South energy corridor. Projects like the completed Gas

Interconnector Poland-Lithuania (GIPL) and the strategic Krk LNG Terminal in Croatia have created true alternatives, finally achieving the long-term goal of cutting reliance on a single external supplier.

- Transport Corridor Development: The 3SI's political muscle and financing have given the Via Carpathia transnational highway the push it needed. This has forced national decisions, resulting in vital road links that are crucial for both internal trade and NATO mobility.
- Digital Connectivity: The 3SI successfully secured funding and political buy-in for key fiber-optic and 5G corridor projects along the North-South spine. This not only fuels economic convergence but also hardens the cyber resilience of the underlying infrastructure.

Visegrád Group (V4): Political and Social Cohesion

- Collective Political Leverage and Defence: The V4 has repeatedly shown its ability to act as a unified negotiating bloc within the European Council, often shaping policy debates. Operationally, the certified Visegrád Battlegroup (V4 EU BG) is hard evidence of a shared commitment to high-readiness collective defence.
- Sustainable Societal Integration (IVF): The International Visegrad Fund (IVF) is a steady, powerful tool for building social capital. By pouring thousands of grants into scholarships and cultural projects, the IVF actively champions people-to-people exchanges, strengthening the region's cultural bonds — a key tool against the emigration of skilled workers.
- Knowledge Sharing and Policy Alignment: The V4 platform has been essential for expert consultation and policy convergence. Co-operation on tough shared problems like water management (e.g., mitigating Danube flood risks) and the harmonization of Roma integration policies has yielded successful regional strategies.

Interreg Programmes: Deep Territorial Integration

- Seamless Public Service Delivery: Success in health cooperation is genuinely life-changing. Agreements allowing cross-border movement of ambulances and specialist care have visibly reduced emergency response times in remote border communities, boosting public trust.

- Integrated Labor Markets: Targeted Interreg programs tackle labour market friction head-on. They have successfully harmonized vocational training curricula and secured the mutual recognition of qualifications between neighbouring regions, directly supporting convergence by creating a more fluid regional talent pool.
- Shared Environmental Management: Interreg funds practical solutions for shared territorial problems, including joint investment in cross-border waste management facilities and unified flood protection systems, ensuring neighbouring communities benefit equally from smart, coordinated planning.

6. Critical Assessment and Bottlenecks: The Failures and Friction

The schemes' effectiveness consistently collides with inherent structural flaws and deep-seated regional vulnerabilities, triggering serious bottlenecks across all political, regulatory, and financial channels.

Core Regional Vulnerabilities (Context for Failure)

Among others challenges, CEE cooperation constantly battles strategic weaknesses inherited from the past:

- Energy Dependence: The slow, painful reliance on external hostile suppliers for vital resources.
- Poor Military Mobility: An old infrastructure system—roads and rail—that simply wasn't designed for rapid, modern East-West deployment.
- Cyber/Digital Vulnerability: The high risk exposure of state and economic systems to external digital attacks.
- Emigration of Human Capital: The sustained brain drain of skilled workers to the West, which weakens long-term convergence.
- External Political Interference: The region is an open target for disinformation and divisive narratives meant to fracture EU/NATO unity.

Structural Critiques and Bottlenecks

These vulnerabilities are made worse by internal friction within the schemes themselves:

- Critique of Ambition and Division: The 3SI is slammed for Lacking Financial Ambition—its war chest is nowhere near large enough for the scale of the region's infrastructure deficit. The V4 is often branded a Source of Division ("toxic brand") when it uses its power to block core EU policies.

- Regulatory Bottlenecks (3SI): National Sovereignty is the chief saboteur. Every country uses its own permitting and standards, leading to asymmetric implementation schedules where one delay freezes an entire transnational project (e.g., the Via Carpathia).
- Political Bottlenecks (V4): Again, Sovereignty creates headaches. The inability to agree on core policy red lines means domestic political upsets can instantly shatter strategic consensus.
- Financial Bottlenecks (3SI & Interreg):
- The 3SIIF is stalled by inadequate capitalization and private investor risk aversion, slowing down key project commitments.
- The massive financial risk for Interreg is the asymmetric auditing risk. Since national controllers use different rules, this triggers reimbursement disputes and project financial loss — a huge deterrent (or "heartburn") for local participants.
- Bureaucracy and Corruption: Interreg Programmes are choked by Bureaucratic Overload and Fragmentation. Worse, the persistent risk of Corruption in CEE allows the abuse of public power to skew high-value tenders in both the 3SI and Interreg.

7. Analysis of On-The-Ground Benefits

Despite all the headwinds, this co-operation creates concrete, vital benefits that push the overall strategic aim forward. The collective efforts have delivered Enhanced Strategic Resilience, clearly seen in energy diversification and coordinated military planning. For citizens, the most immediate gain is Improved Quality of Life and Health, thanks to the social capital built by the IVF and the life-saving border cooperation funded by Interreg. Crucially, Economic Competitiveness gets a lift, as Interreg cuts internal border friction and 3SI investment modernizes trade corridors.

8. Recommendations for the Future

To truly unleash the full potential of these schemes, we must demand specific, structural changes rooted in deeper institutional solidarity:

- To eliminate asymmetric national permitting and regulatory bottlenecks within the 3SI, it is felt that the creation of a dedicated CEE Harmonization Office should be done. This will increase the speed and predictability of strategic infrastructure delivery.
- To reduce political bottlenecks and the rapid dissolution of strategic consensus within the V4, it is felt that the creation of a mandated V4 Core Policy Red Lines agreement should be carried out. This will increase the group's strategic credibility and consistency on the global stage.
- To eliminate the financial "heartburn" and risk associated with asymmetric auditing in Interreg, it is felt that the creation of a Unified Audit Methodology for CEE Interreg programs should be carried out. This will increase the willingness of local partners to participate in high-value projects.
- To reduce the risk of corruption and the abuse of public power in high-value public tenders, it is felt that the implementation of enhanced transparency standards and independent monitoring should be carried out. This will increase public trust and ensure optimal resource allocation.

9. Military Context

9.1. The War in Ukraine. Historical Context. Minsk Accords

The Minsk Accords, comprising two primary agreements signed in 2014 and 2015, represent a pivotal yet ultimately unsuccessful attempt to broker peace in the protracted conflict in eastern Ukraine. Emerging from the escalation of hostilities between Ukrainian government forces and Russian-backed separatists in the Donetsk and Luhansk regions, these accords were negotiated under intense international pressure. They aimed to establish a ceasefire, facilitate political dialogue, and restore stability in the Donbas region. However, their ambiguous provisions and divergent interpretations by the involved parties contributed to their failure, paving the way for the full-scale Russian invasion of Ukraine in 2022.

The conflict in eastern Ukraine, often referred to as the War in Donbas, ignited in April 2014 following Russia's annexation of Crimea. Pro-Russian separatists, supported by Moscow, declared independence in the self-proclaimed Donetsk People's Republic (DPR) and Luhansk People's Republic (LPR), leading to armed clashes with Ukrainian forces. By mid-2014, the violence had claimed thousands of lives and displaced over a million people, prompting urgent diplomatic intervention.

Initial efforts culminated in the Minsk Protocol on September 5, 2014, signed by representatives of Ukraine, Russia, the Organization for Security and Co-operation in Europe (OSCE), and the separatist leaders. This 12-point agreement sought an immediate ceasefire and outlined steps for de-escalation. Despite a temporary lull, violations persisted, particularly around the strategic town of Debaltseve, necessitating further talks.

The Minsk II Agreement, formalized on February 12, 2015, in Minsk, Belarus, involved higher-level negotiations under the Normandy Format — comprising leaders from Ukraine, Russia, France, and Germany. Signed by Ukrainian President Petro Poroshenko, Russian President Vladimir Putin, French President François Hollande, and German Chancellor Angela Merkel, it expanded on the initial protocol. The accords were endorsed by United Nations Security Council Resolution 2202, which called for their full implementation without explicitly making them legally binding. These documents reflected a fragile consensus amid battlefield stalemates and Western demands for de-escalation to avert broader regional instability.

The Minsk Accords' collapse foreshadowed Russia's 2022 invasion, which Putin cited as a response to Ukraine's alleged non-implementation — a narrative echoing Russian demands for capitulation. Analysts argue the agreements masked Moscow's hybrid warfare strategy, granting time to rearm while perpetuating instability. Ukraine, constrained by economic needs and military weakness, signed under duress, prioritizing survival over optimal terms.

Lessons from Minsk underscore the perils of ambiguous diplomacy in asymmetric conflicts. Future negotiations must include clear timelines, robust security guarantees, and mechanisms to neutralize spoilers, potentially involving multilateral endorsements beyond the Normandy Format. As of 2025, discussions of a “Minsk III” persist, though scepticism abounds given Russia's shift toward territorial conquest. The accords remain a cautionary tale: peace processes require not only signatures but enforceable commitments to sovereignty and deterrence. So, the Minsk Accords, while a testament to multilateral diplomacy, highlight the challenges of resolving conflicts involving great-power interests. Their failure has reshaped European security, emphasizing the need for resolute international action to prevent escalation.

9.2. Historical Foundations and Strategic Geography

Romania occupies a pivotal position in contemporary European security architecture, serving as a frontline state for the North Atlantic Treaty Organization (NATO) along its eastern flank. Sharing a 650-kilometer border with Ukraine and possessing the longest Black Sea coastline among European Union (EU) members, Romania directly confronts the implications of Russia's ongoing aggression in the region. As of October 2025, amid the protracted conflict in Ukraine, Romania's strategic assets — including its ports, airbases, and missile defence systems — position it as a linchpin for NATO's deterrence and defence posture against Russian expansionism. This analysis examines Romania's role, drawing on recent military, diplomatic, and economic developments to underscore its significance in maintaining Euro-Atlantic stability.

Romania's integration into Western institutions traces its origins to the post-Cold War era, when it pivoted decisively from Soviet influence toward NATO and the EU. Joining NATO in 2004, Romania has since hosted critical infrastructure, such as the Deveselu Aegis Ashore missile defence site, operational since 2015 and managed by U.S. forces. This facility, located near the Black Sea, bolsters NATO's ballistic missile defence capabilities and has been a focal point of Russian rhetoric, with Moscow viewing it as a provocation despite its defensive orientation.

Geographically, Romania's location amplifies its relevance. The Black Sea serves as a contested maritime domain, where Russia's 2014 annexation of Crimea reshaped regional dynamics, granting Moscow de facto control over key straits and naval routes. Romania's Constanta port, the EU's largest on the Black Sea, has emerged as a vital conduit for Ukrainian grain exports since 2022, circumventing Russian blockades and supporting global food security. However, this role has exposed Romania to hybrid threats, including Russian drone incursions into its airspace — over 100 incidents documented since the Ukraine invasion began, with fragments landing on Romanian soil.

9.3. Romania's Contributions to NATO and Regional Security

In 2025, Romania has intensified its alignment with NATO's enhanced forward presence (eFP), hosting a multinational battlegroup led by France, comprising approximately 1,500 troops from multiple allies. This deployment, part of NATO's response to Russia's 2022 invasion of Ukraine, exemplifies Romania's role in collective defence under Article 5. Plans to expand the Mihail Kogălniceanu Air Base near Constanta into Europe's largest NATO facility — accommodating up to 10,000 personnel by 2030 — further cement this status. The base will enhance rapid reinforcement capabilities, including brigade-level surges up to 5,000 troops, as demonstrated in preparatory exercises.

Recent military exercises underscore Romania's operational centrality. The "Dacian Spring 25" drill, originally slated for early 2025, was postponed due to Russian hybrid interference in Romania's domestic politics but remains a cornerstone of NATO's Black Sea strategy. Led by France, it involves thousands of troops simulating responses to Russian threats. Complementing this, the Sea Shield 25 naval exercise in 2025 integrates Romanian, French, and allied assets to patrol contested waters, countering Russia's militarization of the Black Sea fleet.

Romania's defence investments reflect its commitment: exceeding NATO's 2% GDP threshold in 2025, with allocations surpassing prior years, funding F-16 acquisitions, counter-drone systems, and infrastructure upgrades. As a framework nation in the Bucharest Nine (B9) format — a regional grouping of NATO's eastern members — Romania advocates for unified deterrence from the Baltic to the Black Sea. It also contributes to air policing missions, deploying F-16s to Lithuania in mid-2025, and trains Ukrainian pilots at its European F-16 Training Center in Fetești.

9.4. Challenges and Russian Responses

Russia perceives Romania as a direct challenge to its Black Sea dominance, employing a multifaceted strategy to undermine NATO cohesion. Moscow's drone and missile strikes on Ukrainian targets near the

Romanian border — such as Danube River ports — have repeatedly violated Romanian airspace, prompting NATO scrambles and heightened alerts. In March 2025, Russian interference allegedly influenced Romania's presidential election annulment, delaying key exercises and sowing domestic discord to erode alliance resolve.

Geopolitical tensions extend to energy security. Russia's opposition to Romania's Neptun Deep offshore gas project — potentially yielding 100 billion cubic meters of reserves — threatens Moscow's leverage over European markets. NATO has prioritized defending this infrastructure, recognizing its role in reducing EU dependence on Russian supplies. Broader Russian aims include fracturing NATO unity, as evidenced by demands during February 2025 U.S.-Russia talks in Riyadh for a rollback of post-1997 NATO expansions — a proposal firmly rejected by Washington.

Domestically, Romania grapples with political vulnerabilities. The 2024-2025 presidential cycle highlighted divisions, with far-right candidates like Călin Georgescu and George Simion advocating reduced aid to Ukraine and critiquing NATO bases as escalatory. Though pro-Western forces prevailed in the May 2025 re-run, these episodes underscore Moscow's hybrid playbook, exploiting populist sentiments to question alliance commitments.

9.5. Broader Implications and Future Outlook

Romania's trajectory intersects with wider NATO priorities, including the Three Seas Initiative for infrastructure resilience and the Intermarium concept — a Baltic-Black-Adriatic security arc countering Russian influence. As NATO integrates Finland and Sweden, Romania's southern flank role gains symmetry, enabling seamless operations from the Arctic to the Mediterranean. Yet challenges persist: Turkey's Montreux Convention restrictions limit non-Black Sea naval access, complicating reinforcements, while resource constraints amid Ukraine aid strain European stockpiles.

Looking ahead, Romania's success in modernization — bolstered by U.S. partnerships and EU investments in dual-use infrastructure — will determine NATO's eastern credibility. A stable, fortified Romania not only deters Russian adventurism but also safeguards critical supply chains, from minerals to energy. In an era of hybrid and conventional threats, Romania exemplifies NATO's adaptive resilience, ensuring that the Alliance remains a credible guardian of European peace.

9.6. Deveselu Missile Defence System. Geopolitical Role and Implications

Deveselu serves as a cornerstone of NATO's eastern flank deterrence, symbolizing U.S. commitment to European security under Article 5 of the North Atlantic Treaty. It bolsters Romania's strategic position, fostering closer military ties with the United States and NATO allies. The facility contributes to regional stability by addressing asymmetric threats, such as ballistic missile proliferation from the Middle East.

However, it has elicited strong reactions from Russia, which views the system as a threat to its strategic balance, despite assurances that it targets non-European threats. Russian officials, including President Vladimir Putin, have cited Deveselu as evidence of NATO encroachment, prompting demands for its dismantlement and threats of countermeasures, such as Kinzhal hypersonic missiles. This tension underscores broader East-West divides, with the site often referenced in discussions of NATO expansion and arms control.

Locally, the base supports the Romanian economy through infrastructure and employment, hosting approximately 500 Romanian personnel and 250 U.S. troops. It has been decorated with the Order of Military Virtue in 2022 for its contributions.

Recent Developments

As of October 2025, the Deveselu site remains fully operational, with routine activities including a September 2025 event involving U.S. Navy personnel. However, it faced a temporary funding lapse on September 30, 2025, due to expired U.S. Department of Defence appropriations, though military personnel continued duties. Upgrades announced in 2023, including enhanced sensors and facilities, were slated to begin in 2024, aiming to broaden interception capabilities.

In the context of the ongoing Russia-Ukraine conflict, the site's role has gained prominence, with discussions in Romanian public discourse highlighting its deterrent value against potential Russian aggression. No major incidents or escalations directly involving Deveselu were reported in

2025, though it continues to feature in political debates, including criticisms from pro-Russian voices in Romania.

The Deveselu Missile Defense System exemplifies NATO's adaptive response to ballistic missile threats, reinforcing transatlantic security ties while navigating geopolitical frictions. Its sustained operation through 2025 underscores its enduring strategic value, though ongoing upgrades and diplomatic efforts are essential to address emerging challenges and maintain deterrence efficacy.

10. Conclusions

10.1. Cross-border co-operation in CEE is a necessary and functional three-pillar system: the 3SI provides the strategic hardware, the V4 supplies the political software, and Interreg ensures the local operating system. Their achievements—from functional gas pipelines to life-saving border healthcare—are undeniable successes. However, the relentless friction caused by national sovereignty across regulatory, political, and financial fronts proves that these schemes must urgently evolve. The ultimate success of CEE cooperation depends entirely on the political will to finally move beyond bureaucratic nationalism toward a deeper institutional solidarity that genuinely secures their shared strategic future. This would require vision and a will to overcome sovereignty and political issues as well as developing an attitude of cooperation. The spectre of the war in Ukraine, on the borders of many CEE nations, should be a warming sign urging these nations to accelerate their development. This can be easily done with strong and visionary leadership.

10.2. In the geopolitical context marked by global instability in 2025, Romania's foreign policy is defined by a firm commitment to democratic values, collective security, and the promotion of a rules-based international order. As a member state of the European Union (EU) and the North Atlantic Treaty Organization (NATO), Romania prioritises transatlantic alliances and support for neighbours exposed to revisionist threats, particularly in the Black Sea region. Under the leadership of President Nicușor Dan, inaugurated in May 2025, the country's foreign policy reaffirms Western ties and unconditional support for Ukraine, while prudently navigating tensions in the Middle East. This approach reflects a traditionally reactive paradigm that is increasingly shifting towards strategic initiative, tailored to the major risks identified for the current year, such as the United States' withdrawal from global commitments and Russian aggression.

10.3. Firm Support for Ukraine in the War with Russia. The Russian-Ukrainian conflict remains the most pressing threat to Romania's security, given its geographical position on NATO's eastern flank. Bucharest has adopted a resolute stance in defence of Ukraine's sovereignty, actively contributing to allied efforts through military, humanitarian, and diplomatic assistance. In September 2025, Romania announced a partnership with Kyiv for the production of defensive drones, aimed at strengthening the protection of NATO's eastern flank. This initiative underscores Romania's role as a regional security provider, particularly in the context of recent incidents, such as the entry of a Russian unmanned aerial vehicle into Romanian airspace the previous month, which triggered a NATO aviation response.

On the diplomatic front, Romania promotes Ukraine's European integration, supporting EU accession negotiations and participating in trilateral meetings with the Republic of Moldova and Ukraine. In August 2025, the foreign ministers of the three states issued a joint declaration on cooperation for regional security and countering Russian influence. President Dan reiterated this commitment in October, advocating for the acceleration of Ukraine's EU candidacy despite opposition from certain member states, such as Hungary. Furthermore, Romania joined an EU initiative providing guarantees for Ukrainian exports, thereby facilitating trade and Kyiv's economic reconstruction.

Additional examples of diplomacy include the fourth trilateral meeting of the foreign ministers of Romania, Ukraine, and the Republic of Moldova on 8 August 2025, where the consolidation of Black Sea security and a coordinated response to Russian aggression were discussed. Foreign Minister Oana Țoiu delivered a fiery speech at the United Nations General Assembly, firmly condemning Russia's war of aggression against Ukraine and calling for an immediate cessation of hostilities. Another notable diplomatic step was the meeting between the Ukrainian President and the Romanian Foreign Minister, during which the Romanian Parliament's decision authorising the armed forces to shoot down Russian targets entering national airspace was welcomed. These actions illustrate Romania's multilateral diplomatic efforts to strengthen regional alliances and deter Russian threats.

Domestically, the pro-Ukrainian stance has sparked debates, with one Romanian parliamentarian invoking the need to deploy troops to prevent Russian advances towards national borders — a proposal that highlights internal tensions fuelled by Russian disinformation. Overall, Romanian foreign policy in this conflict focuses on deterring Russian aggression through an increased U.S. troop presence on national territory and defence investments, aligning with expert assessments identifying Russia as the "leader of the axis of evil" in Europe.

10.4. Regional Challenges: The Republic of Moldova and Other Threats. Romanian foreign policy pays heightened attention to the Republic of Moldova, which remains vulnerable to Russian interference, particularly in the Transnistrian context. Bucharest firmly supports Chișinău's EU candidacy, viewing European integration as an antidote to Russian destabilisation forecast for 2025. Joint trilateral declarations emphasise cooperation on security and economic development, positioning Romania as a pivotal actor in countering the Russian-led "axis of evil."

Additional diplomatic examples include the opening of EU accession negotiations for Moldova and Ukraine — regarded as a clear diplomatic victory for Romania, which actively supported the process. At the Annual Meeting of Romanian Diplomacy in August 2025, Romania's commitment as a predictable and reliable partner for regional stability, including relations with Moldova, was underlined. Romania also monitored electoral developments in Moldova, recognising their implications for the Transnistrian conflict and European integration, while offering support to strengthen bilateral relations in the face of Russian influence. These efforts reflect a proactive diplomacy focused on soft-power competition in the region.

10.5. At the 80th session of the United Nations General Assembly, held in New York from 23 to 29 September 2025, Foreign Minister Oana Țoiu delivered a detailed address reaffirming Romania's firm commitment to the UN Charter and the rules-based international order. Central to her message were the Republic of Moldova and Ukraine, emphasising that the Russian Federation seeks to undermine Moldovans' right to determine their future through hybrid interference and propaganda. Țoiu vehemently condemned Russian aggression against Ukraine, demanding an immediate cessation of hostilities and unconditional support for Kyiv's sovereignty. Regarding the Middle East, the minister advocated a just peace, the urgent need for an immediate ceasefire in Gaza, the release of hostages, and the provision of humanitarian assistance, while reaffirming Israel's right to self-defence in the context of Iranian threats. She also highlighted Romania's role in promoting UN reforms, with emphasis on nuclear non-proliferation, cybersecurity, and unity in diversity for the advancement of peace, sustainable development, and human dignity. These positions were reinforced through bilateral meetings with U.S. officials in Washington, Chicago, and New York, consolidating the transatlantic partnership.

10.6. Towards an Innovative Paradigm. Romania's foreign policy in current conflicts demonstrates strategic maturity anchored in solid alliances, yet confronted with the need for a new paradigm based on vision and initiative. Faced with identified risks—from Russian aggression to Middle Eastern instability—the country must invest in democratic resilience, autonomous defence, and proactive diplomacy. The parliamentary elections of May 2025 will test Romania's capacity to consolidate its role in the new European security architecture, thereby safeguarding national interests in an increasingly fragmented world. Through alignment with Western values and support for its neighbours, Romania not only defends itself but also contributes to a safer international order.

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Education, Sport, and Social Inclusion: Central and Eastern European Youth Perception of the Personality of Physical Activity Specialists

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Abstract: The personality of physical activity specialists — teachers, coaches, and instructors — has a profound influence on adolescents' motivation and engagement in sports. This aspect is particularly relevant for youth from disadvantaged backgrounds in Central and Eastern Europe, where social and economic barriers often limit access to positive educational role models. Purpose: The aim of this study was to investigate how youth from socio-economically vulnerable backgrounds perceive the personality traits of physical activity specialists. Objectives: Identifying the primary traits (empathy, fairness, authority, communication, role-modeling) associated with specialists and analyzing differences in perception based on gender and social context. Hypothesis: We hypothesized that adolescents from disadvantaged backgrounds perceive physical activity specialists as positive role models, but their perceptions vary depending on the balance between authority and behavioral conduct. Results: Data were collected from a sample of 50 young people aged 12 to 17 through a structured questionnaire. The majority of respondents described the specialists as encouraging (72%), patient (68%), and professional (75%). At the same time, 30% highlighted strictness as a dominant trait, which was sometimes interpreted negatively. Gender differences were observed: boys appreciated discipline and authority more, while girls emphasized empathy and support. The findings suggest that, in the Central and Eastern European context, strengthening the psycho-pedagogical and communication skills of specialists is essential to meet the complex needs of vulnerable youth.

Keywords: *disadvantaged youth, Central and Eastern Europe, perception, personality, physical activity specialists*

J.E.L. Classifications: I31, I32, I21, I12, D91, O15

1. Introduction

Young people from disadvantaged and vulnerable backgrounds in Central and Eastern Europe often face a lack of stable educational and social role models. This situation limits their motivation and participation in physical activities, contributing to lower levels of physical and social inclusion (Epuran, 2005; Dragnea & Bota, 2006; Zlate, 1999). Previous research has consistently shown that the personality of physical activity specialists — teachers, coaches, and instructors — significantly influences adolescents' motivation, self-confidence, and long-term involvement in sports. Recent studies reinforce this perspective, highlighting the broader role of physical activity in promoting social integration and well-being. For example, Milon et al. (2024) show that sport and environmental health are key factors for health and longevity in the European Union, emphasizing that physical activity is not just a determinant of individual condition, but also of social cohesion and sustainable development. Simultaneously, empirical evidence shows that the influence of specialists extends beyond attitudes and motivation, including measurable skills such as reaction time and motor skills, which are closely correlated with an active lifestyle (Gorgan et al., 2023). Despite these contributions, specialized literature continues to highlight significant gaps in understanding how adolescents from socio-economically vulnerable communities perceive specialists from the perspective of personality traits such as empathy, fairness, authority, communication, and their role as models.

Addressing these gaps is particularly relevant in the context of Central and Eastern Europe, where educational and social inequalities affect the development and inclusion opportunities of young people. The objective of this study is to investigate the perceptions of youth from disadvantaged backgrounds regarding the personality traits of physical activity specialists and to analyze how these perceptions influence their motivation and involvement in sports.

Our contribution consists of applying a structured questionnaire to adolescents from vulnerable communities, aiming to identify the traits most strongly associated with a positive role model and sustained participation. The novelty of this study lies in its socio-educational perspective on inclusion, specific to Central and Eastern Europe, with direct implications for improving the psycho-pedagogical and communication skills of specialists. The strength of the paper is the exploration of perceptions within vulnerable groups, which are often underrepresented in research, while its limitation is the relatively small sample size, which restricts the degree of generalizability.

2. Methods

The aim of this paper is to identify key aspects of the personality of physical activity specialists from the perspective of youth from disadvantaged backgrounds. The research objectives focused on identifying the role and importance of personality components in these specialists. By doing so, we can obtain vital information regarding how these essential personality elements function within an inter-relational system.

Research Objectives

- **Perception & Values:** Identifying the opinions and perceptible values held by the youth.
- **Behavioral Benchmarks:** Identifying specific behavioral patterns and conduct characteristic of a physical activity specialist's personality.
- **Systemic Interaction:** Verifying the functioning of these essential personality elements within the inter-relational system.

It is hypothesized that the personality and communication style of physical activity specialists significantly influence the motivation, involvement, and perception of youth from disadvantaged backgrounds, contributing to the creation of an inclusive and balanced educational climate.

Sample & Participants

The sample consisted of **50 adolescents** (26 girls and 24 boys) aged **12 to 17**, coming from middle schools, sports clubs, and educational centers.

- **Conditions:** The research was conducted under optimal conditions, with voluntary participation and strict confidentiality.
- **Inclusion Criteria:** Membership in a socio-economically vulnerable community and regular participation in organized physical activities.

Methodology

- **Bibliographic Documentation:** Provided valuable information on the objectives of physical activities and how motor content influences body modeling and personality formation. It also offered a rich source of references regarding the structural components of personality: temperament, character, and aptitudes.
- **Survey Method:** Used a **questionnaire** as the primary instrument to collect opinions and measure the perception of a specific population segment. The questionnaire featured **12 items** (prefigured, closed, and open-ended) to facilitate the understanding of psycho-sociological terms for disadvantaged youth.
  - *Evaluation:* Assertions were evaluated across 5 value categories based on the importance assigned by each subject.
- **Statistico-Mathematical Method:** Involved the collection of numerical data and its statistical interpretation, focusing on the values obtained for each item.

- **Graphical Method:** Used for a more expressive presentation of the data. Graphical representations highlight the dynamics of result evolution across the target group.

  Data Collection & Procedure
- Instrument: A structured 12-item questionnaire based on specialized literature (Epuran, 2005; Dragnea & Bota, 2006; Zlate, 1999).
- Dimensions Measured: Empathy, fairness, authority, communication style, creativity, and the role-modeling function of the specialists.
- Platform: Administered online via Google Forms.

3. Results

Regarding the question: "Do you consider that the personality of physical activity specialists (teachers, coaches, instructors) is visible in their activity?", the results are as follows:

- 94% of respondents believe that the specialists' personality is visible in their work.
- 6% answered negatively.
- 0% chose the "sometimes" option.

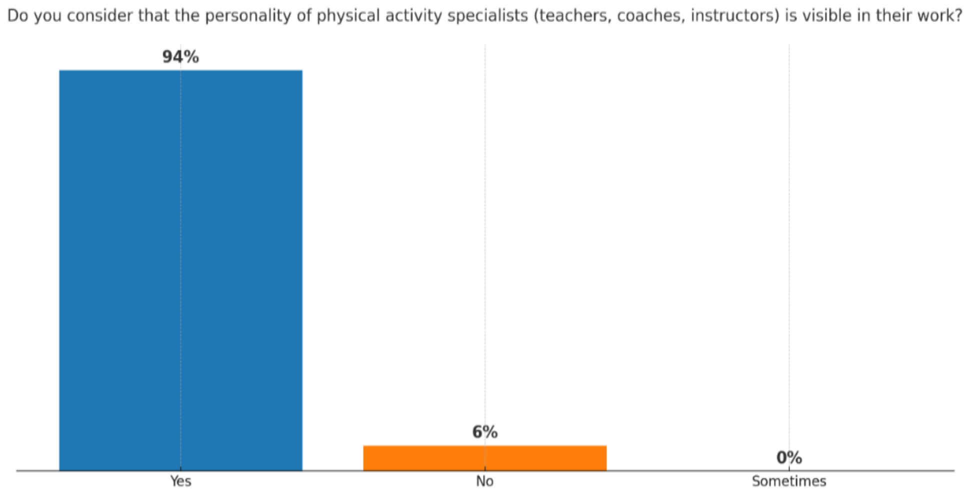

Figure 1. Responses to the question: "Do you consider that the personality of physical activity specialists (teachers, coaches, instructors) is visible in their work?"

These findings indicate that the overwhelming majority of respondents perceive personality as an essential element of the work performed by physical activity specialists. This suggests a strong correlation between the specialist's personality and the perceived effectiveness of their activity. Through their communication and relational styles, these specialists contribute to fostering an inclusive environment rooted in equal opportunity and active participation.

Regarding the question: **“Which of the following specialists do you consider to have constituted a personality model in your development? (using a hierarchical scale from 1 to 3): primary/middle school physical education teachers, coaches, or sports instructors from other extracurricular activities (camps, fitness gyms)”**, the results highlight that youth perception of physical activity specialists is predominantly positive.

- **Physical Education (PE) Teachers (54%):** They enjoy the highest degree of appreciation, suggesting that the direct, constant, and educational relationship they develop with young people contributes significantly to forming a favorable image.
- **Coaches (24%):** They are perceived as authority figures and sources of motivation, reflecting their important role in guiding performance and personal development.
- **Sports Instructors (22%):** They occupy a relevant position, being considered role models particularly in recreational or introductory contexts.

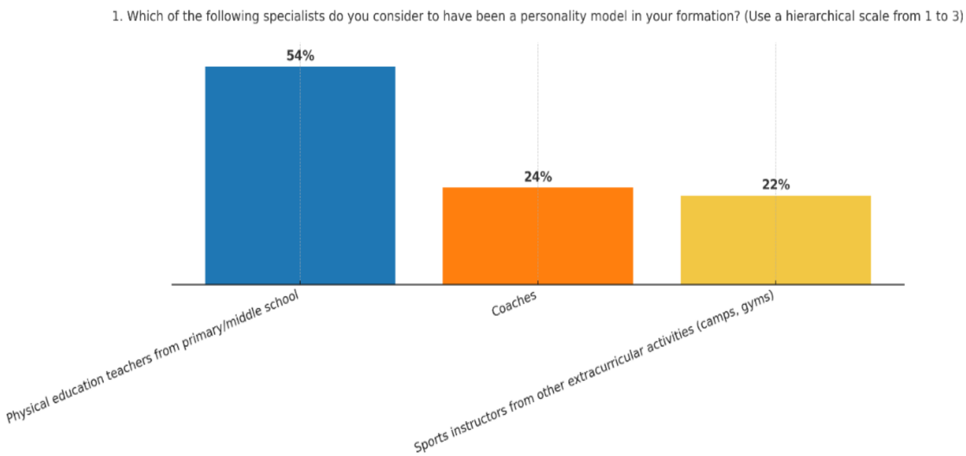

Figure 2. Responses to the question: “Which of the following specialists do you consider to have served as a role model in your professional development?”

The distribution of these percentages emphasizes that young people recognize the value of the specialists' personality and behavior, attributing their appreciation to the level of involvement, empathy, and professionalism manifested in their daily activities.

Regarding the question "Do you consider that physical activity specialists manifest an authoritarian behavior during activities?", the results obtained highlight a predominantly democratic and balanced trend in the leadership style of specialists in the field of physical activities. 44% of respondents consider that they never manifest authoritarian behavior, which suggests that the majority perceive the teacher–student or coach–athlete relationship as being based on collaboration, respect, and open communication. 30% of participants chose the "rarely" option, which reinforces the idea that, although moments of firmness may exist, these are occasional and justified by the educational or competitive context. 16% appreciate that specialists often manifest authoritarian behavior, and 10% – always, indicating the existence of a minority segment of critical perceptions, probably related to personal experiences or traditional teaching models, in which control and discipline prevail over active participation. These results underline the fact that specialists in the field of physical education and sports are perceived, for the most part, as having a balanced, empathetic behavior oriented toward cooperation rather than control. In the context of the paper's theme — Education, sport, and social inclusion — we can observe that the positive relationship between specialists and young people favors social inclusion by creating a climate based on respect, trust, and mutual support.

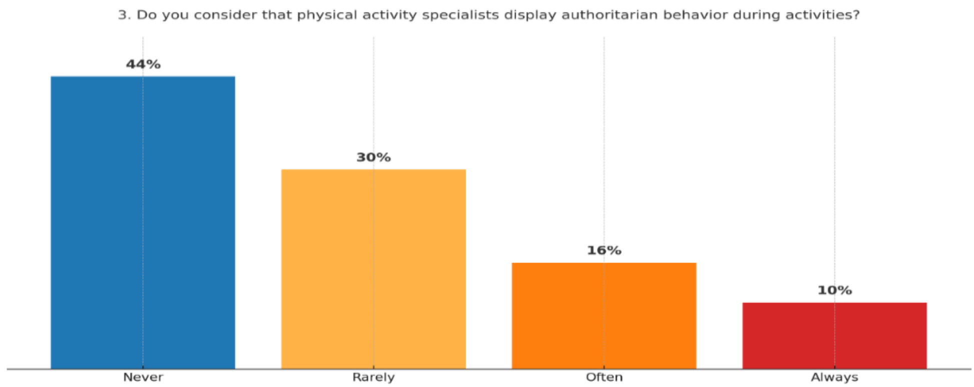

Figure 3. Responses to the question: "Do you consider that physical activity specialists exhibit authoritarian behavior during activities?"

The results presented in Chart No. 4 indicate that the involvement of young people in achieving the objectives of physical activities is perceived as being most intensely promoted in the main part of the lesson, where 57% of respondents identified this stage as the most relevant. This finding suggests that, during thematic activities – when tasks are complex, varied, and require cooperation – young people have the most opportunities to participate actively, to make decisions, and to express themselves freely. 29% of the participants consider that involvement is stimulated in the warming-up phase, which may reflect the specialists' concern for creating a positive atmosphere and for the psycho-motor activation of young people from the very beginning of the lesson. In contrast, 14% indicated the final part (relaxation/reflection), which shows that this stage is perceived rather as a moment of recovery and analysis than as one of active involvement in achieving the objectives. Overall, the results reveal a practical and participatory orientation of the educational process, centered on the concrete activity in the main part of the lesson – the moment when essential motor and attitudinal skills are built.

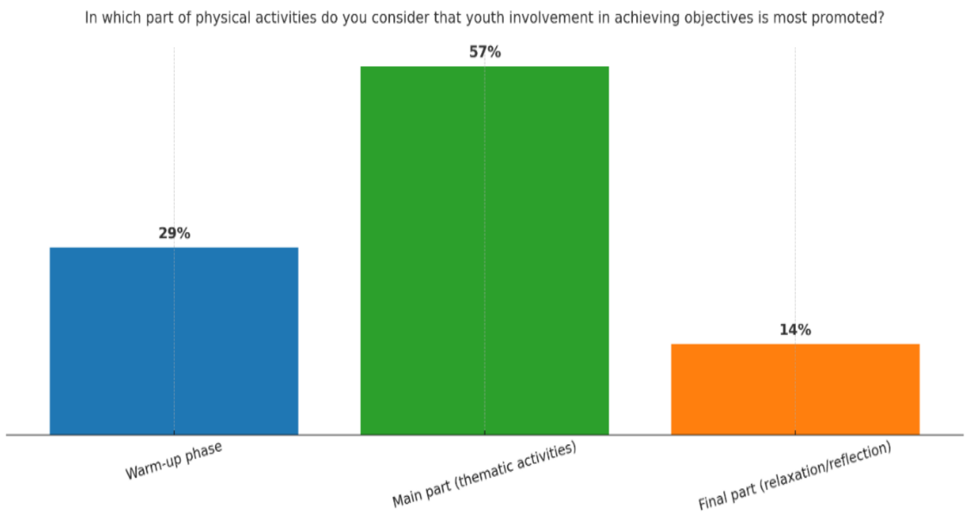

Figure 4. Responses to the question: "In which part of physical activities do you consider that youth involvement in achieving objectives is most promoted?"

Regarding the question "How do you appreciate the interest of physical activity specialists in promoting creative behavior during activities?", the results show an extremely positive perception of the way physical activity specialists promote creative behaviors during activities. 90% of respondents rated their interest as very good, which suggests that the majority of young people observe and value a modern, flexible, and innovative approach to physical activities. 9% consider the interest to be good, which confirms a consistently positive evaluation, even if slightly more reserved. Only 1% provided a satisfactory rating, indicating an isolated perception, possibly influenced by less motivating personal experiences. Overall, the results highlight the fact that specialists in the field of physical activities are perceived as promoters of creativity, free expression, and active participation, essential aspects for an inclusive and attractive education for young people.

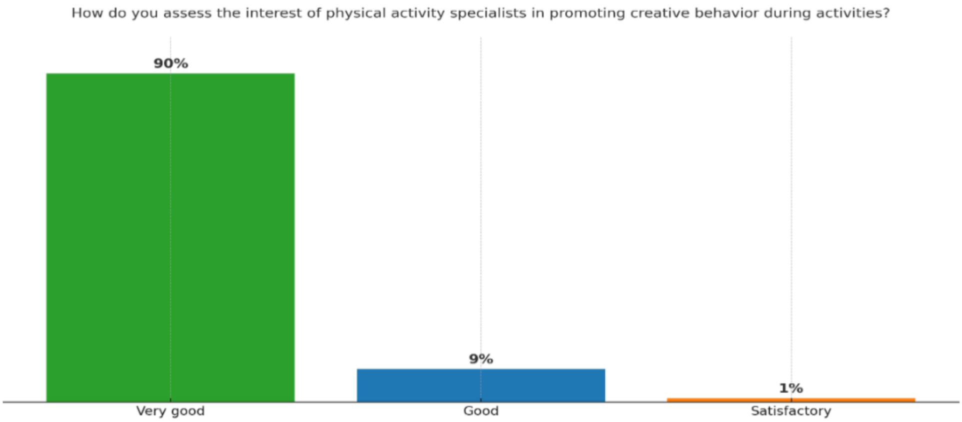

Figure 5. Responses to the question: "How do you assess the interest of physical activity specialists in promoting creative behavior during activities?"

The results for the question "What type of interpersonal communication predominates in the specialist–youth relationship during physical activities?" show a balanced distribution between the three forms of communication used in the specialist–youth relationship during physical activities: verbal and non-verbal communication at 35% each, and paraverbal communication at 30%. This distribution suggests that physical activity specialists (teachers, coaches, instructors) use a complex and integrated communication style, in which the verbal message (instructions, explanations, feedback) is complemented by non-verbal components (mimics, gestures, posture) and paraverbal elements (tone, intonation, rhythm, volume). The balance between the three types of communication reflects the specialist's adaptability and communicative competence, succeeding in transmitting information efficiently, maintaining youth attention, and creating a relationship based on trust and cooperation. Furthermore, the high percentage of paraverbal communication (30%) highlights the fact that voice nuances and tonal expressiveness play a significant role in motivating young people, regulating the emotional climate, and maintaining a positive atmosphere during activities. In conclusion, these data demonstrate that the effectiveness of the specialist – youth relationship derives from the harmonious combination of the three forms of communication, which favors understanding, involvement, and active learning.

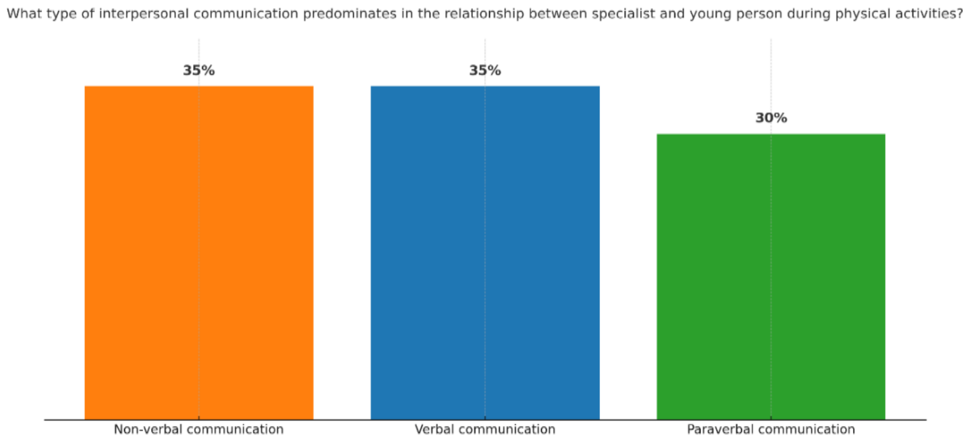

Figure 6. Responses to the question: "What type of interpersonal communication predominates in the specialist-young person relationship during physical activities?"

The results presented in Chart No. 7 highlight the fact that all forms of nonverbal communication are perceived as having a significant contribution to the activity of specialists in the field of physical education and sports, the differences between them being relatively small, which indicates a complex and integrated approach to communication. Posture (22%) occupies the first place, being perceived as the most important nonverbal component. This expresses the specialist's authority, confidence, and professional attitude, influencing the way young people receive messages and relate to the group leader. Movement (21%) follows very closely, confirming that motor demonstration and body dynamics play an essential role in the teaching process and in modeling the motor behavior of the participants. Gestures (20%) complement verbal communication, serving to clarify, emphasize, and direct messages, especially in situations where ambient noise or distance makes verbal understanding difficult. Mimics (19%) contribute to the transmission of emotions, approval, or disapproval, significantly influencing the emotional and motivational climate of the activity. Appearance (18%), although placed in the last position, remains relevant, as the general aspect, expressiveness, and personal attire confer credibility and inspire respect in the relationship with young people. The analysis shows that physical activity specialists combine all components of nonverbal communication to support the educational process and to stimulate the involvement and motivation of participants.

The predominance of posture and movement underlines the practical orientation of the field, while gestures and mimics confirm the importance of the emotional and relational dimension in the educational act.

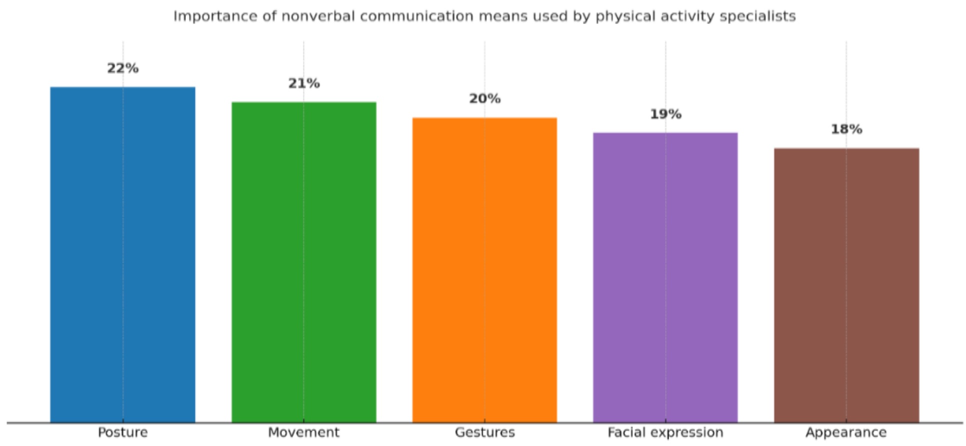

Figure 7. Responses to the question: "The importance of nonverbal communication used by physical activity specialists"

The results presented in Chart No. 8 highlight a clear ranking of the way physical activity specialists perceive the importance of various directions for utilizing nonverbal communication. Guiding feedback (25%) is considered the most important direction, confirming that gestures, gaze, and body expression are key tools for guiding athletes in real time. These forms of communication allow for the rapid correction of execution, maintaining rhythm, and the clear transmission of the specialist's intentions. Correction and prevention (23%) occupy second place, emphasizing the role of nonverbal communication in ensuring the safety and precision of movements. Through demonstrations and visual interventions, the specialist helps to avoid technical errors and injuries. Relating (21%) has a significant weight, which shows that, beyond the instructional function, nonverbal communication has an important socio-emotional value. Eye contact, facial expression, and body attitude contribute to creating a climate of trust, cooperation, and motivation between the specialist and participants. Knowledge – self-knowledge (16%) and evaluation – self-evaluation (15%) have lower weights but remain essential for developing personal reflection and forming the athletes' body awareness. By observing gestures, posture, and nonverbal reactions, both the specialist and the youth can adjust their behavior and degree of involvement. The distribution of percentages shows that the operational functions (guiding, correction, prevention) of nonverbal communication are priorities in physical activities, without neglecting the relational and formative dimensions.

Thus, the efficient specialist is the one who combines gestural precision with empathy and expressiveness, using their body language not only to correct but also to inspire, motivate, and support participants.

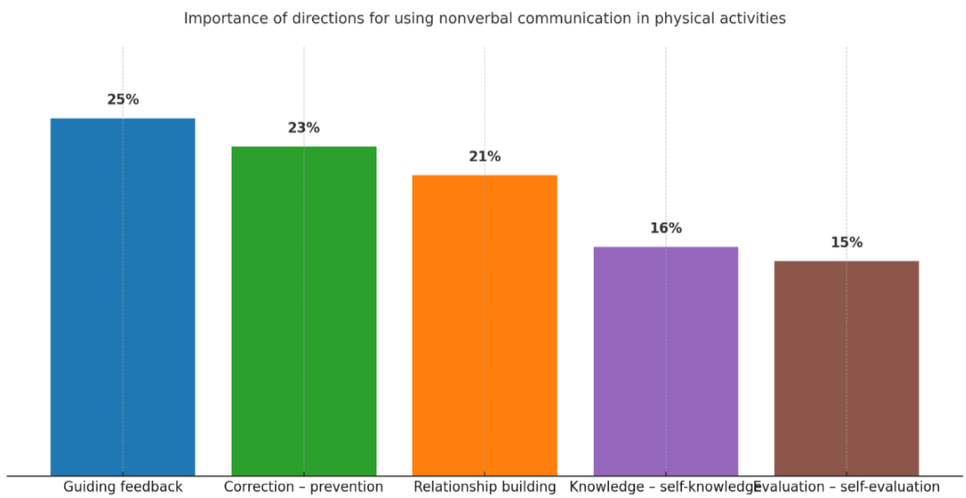

Figure 8. Responses to the question: “The importance of the following directions for capitalizing on nonverbal communication in physical activities”

Regarding the question “Do you consider that the physical activity specialist motivated you to continue participating in sports activities?”, the results show that the majority of respondents (70%) consider that the physical activity specialist motivates them much or very much to participate in sports activities. The percentages of 35% “Much” and 35% “Very much” indicate a strongly positive perception, which shows that young people recognize the role of the specialist as a factor of inspiration, support, and active involvement. The specialist is not just a technical instructor, but also a role model of conduct and a catalyst for motivation. The 20% who chose “Moderately” reflect a partial motivation, also influenced by personal factors (interest, time, availability). The very small percentages for the “Little” (7%) and “Not at all” (3%) variants show that negative perceptions are isolated, which confirms the existence of a positive climate of collaboration and support. The results highlight that the motivational dimension of the specialist plays a central role in the success of physical activities. Empathy, communication, and a positive attitude are key elements in maintaining participation and developing an effective educational relationship. The high level of perceived motivation and empathy confirms that the specialist's personality contributes not only to performance but also to the social inclusion of young people.

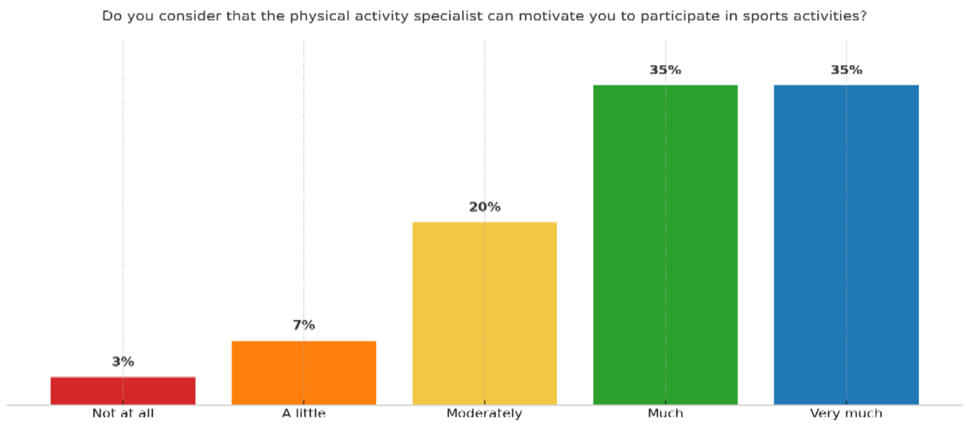

Figure 9. Responses to the question: “Do you consider that the physical activity specialist can motivate you to participate in sports activities?”

Regarding the question “To what extent do you consider that the specialist promotes the inclusion of all young people, regardless of performance level or skills?", the results show a predominantly positive perception concerning the inclusive attitude of physical activity specialists.

The majority of respondents – 75% (40% "much" and 35% "very much") – consider that the specialist encourages and supports the participation of all young people, regardless of their performance level, physical abilities, or individual characteristics. This trend highlights the fact that specialists manage to create an equitable, safe, and motivational educational climate, where the emphasis is placed on participation, personal progress, and acceptance rather than on strict competition. A percentage of 18% of the participants assessed the level of inclusion as being moderate, which suggests that, although a solid foundation exists, improvements can still be made in adapting tasks and personalizing interventions for young people with different needs. The very small percentages for "little" (5%) and "not at all" (2%) confirm that exclusion or differentiated treatment are perceived as isolated phenomena, not as general practices.

The results reflect a strong commitment from the specialists to promote inclusion, which contributes to the formation of a positive and accessible educational environment for all young people.

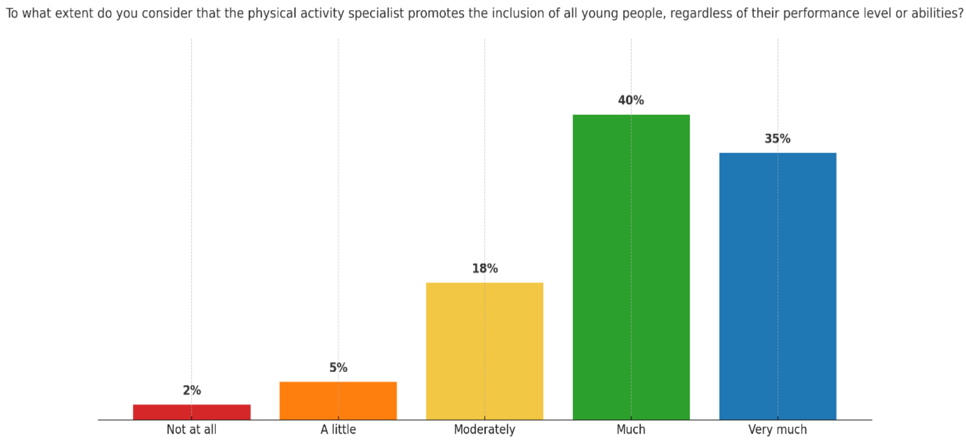

Figure 10. Responses to the question: "To what extent do you consider that the specialist promotes the inclusion of all young people, regardless of their level of performance or skills?"

The results from Graph No. 11 indicate that the physical activity specialist is predominantly perceived as a source of **safety, motivation, and positive energy**.

The highest percentages are attributed to the options **"trust and safety" (40%)** and **"motivation and enthusiasm" (35%)**, which suggests that the majority of young people feel supported, encouraged, and inspired during activities. This perception confirms the specialist's complex role, as one who not only provides technical instruction but also creates an affective climate favorable to learning and performance. The trust conveyed through attitude, calmness, and consistency contributes to reducing performance anxiety, while enthusiasm and positive energy stimulate involvement and the joy of participation.

On the other hand, **15%** of respondents perceive stress and pressure, an indication that in certain contexts (for example, competitive or evaluative), the communication tone becomes more demanding. **10%** mention indifference, which may reflect isolated situations where a lack of empathy or professional routine reduces the quality of the educational relationship. The data highlight that the specialist's dominant emotional profile is positive, motivational, and secure, which confirms the essential contribution of emotional intelligence and communication skills in didactic and sporting activity.

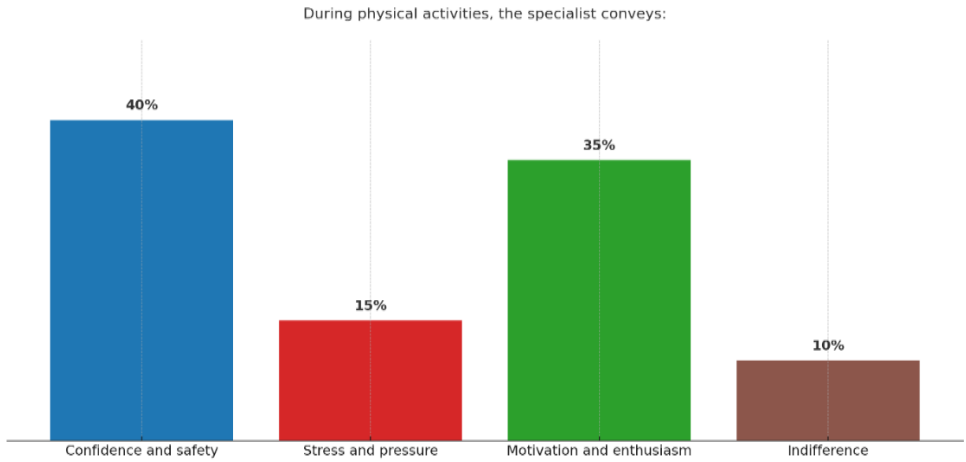

Figure 11. Responses to the question: "During physical activities, the specialist conveys"

The results for the question "Do you consider that the physical activity specialist helped you develop?" show a balanced and positive perception of the influence the specialist has on the personal development of young people, highlighting a major contribution to the formation of social, emotional, and behavioral competencies. Self-confidence (30%) ranks first, which suggests that young people perceive the specialist as a model of support, validation, and encouragement, which strengthens their courage and sense of personal value. Through positive feedback, graded challenges, and the trust granted, the specialist contributes to the development of self-esteem and autonomy. Team spirit (27%) is in second place, confirming that physical activities, especially group ones, represent an essential educational context for cooperation, empathy, and solidarity. The specialist becomes a facilitator of healthy interpersonal relationships and the sense of belonging. Personal discipline (23%) reflects the structuring role of the specialist. Through clear rules, consistency, and constructive exigency, young people form their self-control, perseverance, and personal responsibility. The ability to cope with difficulties (20%) has an important weight, showing that through the proposed activities, young people learn resilience, effort tolerance, and the ability to overcome obstacles. The analysis reveals that the physical activity specialist contributes not only to physical development but also to the formation of character, confidence, and socio-emotional skills. This influence confirms the profound educational value of physical activities and the importance of the human relationship between the specialist and the participant.

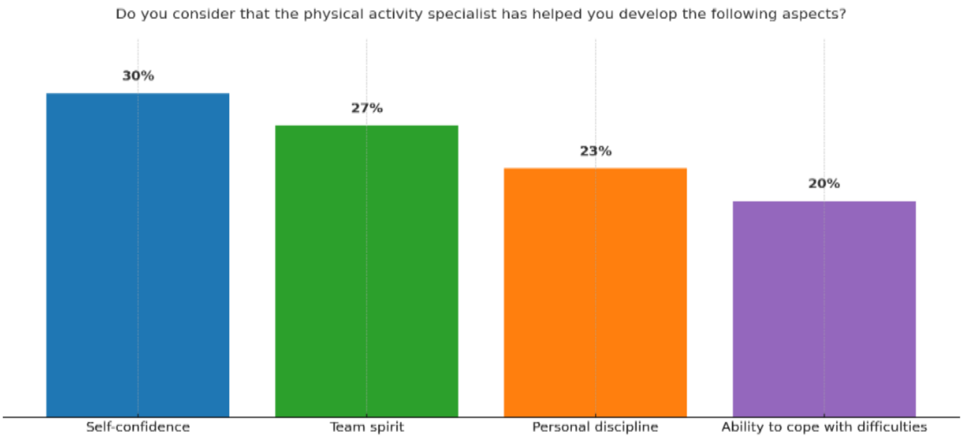

Figure 12. Responses to the question: "Do you consider that the physical activity specialist has helped you develop the following aspects?"

4. Discussions

The results obtained confirm the hypothesis that physical activity specialists exert a significant influence on the personal, motivational, and socio-emotional development of young people. The perceptions expressed by the participants outline the image of a complex specialist who combines professional and relational competencies, becoming an essential factor for formation and inclusion in the context of physical activities.

A defining aspect is the majority response that the specialist's personality is visible in their activity, which suggests that the effectiveness of the intervention is not limited to technical knowledge but also involves the human, authentic, and interactive dimension. Recent literature has shown that physical activity leaders/tutors play a significant role in modeling youth behavior through the relational climate they create (Stevens et al., 2022). This observation is consistent with our data.

Moreover, the balanced distribution between verbal, nonverbal, and paraverbal communication reflects a holistic educational approach. The study by Moreno-Casado et al. (2023) shows that the verbal and nonverbal communication of physical education teachers influences the satisfaction of students' psychological needs and, implicitly, their participation and involvement in activities. Consequently, our data regarding the weight of the three forms of communication support the importance of the specialist's communication skills.

The results also indicate that the majority of participants perceive the specialist as having a high capacity for motivation (“much” or “very much”), which highlights the role of intrinsic motivation and autonomy in the process of adhering to physical activities. According to the recent theoretical framework of Rosenkranz et al. (2023), leaders in the context of youth can increase motor behavior through interventions focused on capability, opportunity, and motivation. This provides a theoretical foundation for the interpretation of the high values obtained in our research. Regarding inclusion, respondents appreciated in a significant proportion that the specialist promotes the participation of all young people, regardless of their performance level or skills. This reflects the current trend in physical education and sports to ensure participatory strategies adapted to diversity (Kim et al., 2024). Thus, the specialist becomes a vector of inclusion and equity.

Additionally, the nonverbal components of communication — such as posture, gestures, and facial expressions — proved to be relevant in the participants' perception of the quality of interaction. This result is supported by literature analyzing nonverbal behavior in educational and sports environments (Keelson et al., 2024). Therefore, the training of specialists must include nonverbal and paraverbal communication skills.

Overall, our data support the idea that the physical activity specialist has a multidimensional role: instructional, motivational, relational, and formative. Their efficiency is not limited to motor performance but extends to the psychosocial and emotional development of young people. These conclusions can constitute a reference framework for the training of future specialists, highlighting the importance of integrating empathetic communication, inclusive pedagogy, and motivation through personal example.

5. Conclusions

The research highlighted that the personality and communication style of the physical activity specialist represent essential factors in building an effective and motivating educational relationship. The results obtained demonstrated that the efficiency of the instructional-educational process depends largely on the quality of human interaction and on the way the specialist succeeds in creating a climate based on trust, respect, empathy, and cooperation. Beyond technical competencies, the specialist becomes a vector for personal and social development, capable of stimulating involvement, consolidating team spirit, and encouraging adaptation to challenges. Through the combined use of verbal, nonverbal, and paraverbal communication, they succeed in transforming physical activity into a meaningful and inclusive learning process.

On an applied level, the study emphasizes the need for the training of future specialists in the field of physical activities to include dimensions such as:

- developing interpersonal and emotional competencies;
- promoting inclusion and adaptability in sports activities;
- cultivating motivational leadership and empathetic communication.

Looking forward, these directions can contribute to the consolidation of a human-centered educational culture, in which movement becomes a means of integral development—physical, psychological, and social. The results emphasize the importance of training specialists capable of promoting not only performance but also social inclusion through sport. The study confirms that the personality and communication style of physical activity specialists represent determining factors in building an inclusive educational climate that supports the participation of all young people, regardless of social context. In this sense, sport becomes an essential tool for personal development and social inclusion.

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The Schengen Area and the Criteria for Accession: Challenges and Prospects for Romania's Membership

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Abstract: The Schengen Area is a core system of European integration, translating the principle of free movement into operational rules and joint border management. This article revisits the accession criteria embedded in the Schengen acquis and traces Romania's prolonged trajectory toward full participation. It advances two claims. First, although the Schengen Evaluation and Monitoring Mechanism has certified Romania's compliance with the technical acquis, accession has remained contingent on political bargaining outside the formal rulebook. Second, accession outcomes hinge on a triad of legal conformity, political conditionality, and mutual trust among member states, with trust often functioning as the binding constraint. Methodologically, the study combines doctrinal analysis of the acquis with an institutional reading of Council decision making and a synthesis of member-state justifications in the public record. This integrative approach clarifies how technical assessments are translated into political choices and why, when unanimity falters, negative externalities are displaced onto external border management and intra-EU mobility. The article examines the analytic framework that specifies the mechanisms linking compliance to political consent and applies it to Romania's Schengen Accession case. It then assesses accession prospects in the light of current EU pressures on security, migration, and governance. The argument speaks to the broader question of when formal criteria are necessary yet insufficient for membership decisions within the EU’s intergovernmental arenas.

KEYWORDS *Schengen Area, Romania, accession, compliance, conditionality, trust, security, evaluation, legitimacy, decision-making, borders.*

J.E.L Classifications: F53, K33, D72

1. Introduction

The EU's passport-free travel space, known as the Schengen Area, is one of the most tangible achievements of European integration.

The Schengen area is one of the pillars of the European project. It started in 1985, in a small village of Luxembourg, named Schengen, when five European countries with common borders signed an agreement to phase out passport controls between them. As more countries joined, the Schengen area expanded and facilitated the freedom of movement, which means that Europeans can live, study, work and retire anywhere in the European Union (EU). Tourists and businesses also benefit from easy travel. Nowadays, all European Union countries are part of Schengen except for Ireland, which has opt-outs, as well as Cyprus, which is due to join Schengen at some point in the future. In addition, four non-European Union countries are also part of the Schengen Area: Iceland, Liechtenstein, Norway and Switzerland.

The United Kingdom is not part of the Schengen Area. The UK has never been a member and maintains its own border controls. Unlike travel within the Schengen zone, visits to Great Britain from Schengen countries require border checks, and vice versa.

The last accession to the Schengen Area took place on January 1, 2025, when Romania and Bulgaria were finally accepted by all 27 Schengen Member States to be part of this unique project. Schengen also includes a common visa policy for short stays by non-EU citizens and helps participating countries to join forces in the fight against crime with the aid of police and judicial cooperation.

A very important step towards ensuring security into the Schengen Area was made in 1995, when the Schengen Information system was created. Since its inception, the Schengen Information System has become the most widely used and largest information sharing system for security and border management in Europe. It provides information on wanted or missing persons, irregular non-EU nationals and lost or stolen objects. In March 2023, the system was reinforced with access for EU agencies such as Europol, to deliver more security to Europeans.

In 2004, Frontex was created, with the objective to coordinate operations between Member States for the management of the EU's external borders. Frontex was reinforced in 2016 and now includes a standing force of 10,000 officers.

In addition to the security mechanisms of the Schengen area, other mechanisms will be implemented at European Union level, such as the European Travel Information and Authorization System (ETIAS), which will be operational from the last quarter of 2026. ETIAS will detect criminals, terrorists or anyone else posing a risk before they arrive in the EU.

The year 2025 represented an important year in the history of the Schengen Area, celebrating 40 years since the signing of the Schengen Agreement. Currently, the Schengen area covers over 4 million square kilometers, with a population of over 450 million people, and includes 29 countries in which citizens of Schengen Member States can move freely, without internal border controls.

This research examines the evolution of the Schengen Area from its origins until present, including the Schengen accession criteria and the Schengen security mechanisms, with a special focus on Romania's accession to the Schengen Area. In this particular case, the complementarity between the technical and political aspects of Schengen Area accession it has been subjected to in-depth analysis.

Concerning the research methodology, qualitative analysis of official documents was mainly used. Discourse analysis was also an important tool in order to underline the position of the representatives of the European institutions regarding Romania's situation. Never the last, the case study was particularly utilized for Romania's accession to Schengen Area analysis.

Also, regarding the literature review, primary research sources such as agreements, conventions and treaties, journals of the EU, publications of the

European Commission, the European Parliament and the Council, were used. Among these, we mention: the Agreement between the governments of the states of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, the Convention implementing the Schengen Agreement, the Treaty of Amsterdam, the Treaty of Accession of Romania and Bulgaria to the European Union, Council Decision (EU) 2023/2877 of 30 December 2023 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania and Council Decision (EU) 2024/3212 of 12 December 2024 setting the date for the lifting of checks on persons at internal land borders with and between the Republic of Bulgaria and Romania.

This study includes three parts. The first part, entitled "The creation of the Schengen Area. From idea to reality. Schengen 5." introduces the founding of the Schengen Area, the political leaders who supported and advanced the project, together with the most important official documents elaborated, such as the Schengen Agreement and the Schengen Convention. Also, the relationship between the Eropean Union and the Schengen Area states will be clarified. The second part entitled "Evolution of the Schengen Area and its mechanisms. From 5 to 27." analyze the development of the Schengen Area and its enlargements in the past three decades along with its security mechanisms with focus on the Western and Central European states. The Schengen Agreement is no doubt a European integration tool. However, different European states belonging or not to the EU, have chosen different relationships with Schengen Area. Whereas certain Member States of the EU notably Ireland declined to participate in the Schengen Area, citing concerns associated with the migration movements, several non-EU European states, including Switzerland, Norway, Iceland, and Liechtenstein, expressed their willingness to engage in this integrative initiative. Finally, the end of the chapter presents the enlargement of Schengen Area towards East Europe, excepting the Romania and Bulgaria's case.

The third part entitled ''Romania's accession to Schengen Area. Chalanges and Prospects. From 27 To 29.'' analyze Romania and Bulgaria's process of Schengen Area accession with focus on the technical and political aspects of Schengen integration. The phased accession strategy (air/sea first, land later) will also be analyzed. The argument of "compromise among

Member States to balance political trust and integration momentum in Schengen Area" will be raised.

The three parts of the study are followed by pertinent and objective conclusions.

2. The Creation of the Schengen Area. From Idea to Reality. Schengen 5

The idea of Schegen Space creation took shape as a pragmatic response to the Community-level deadlock over the abolition of internal border controls, following earlier steps such as the Franco-German Saarbrücken Agreement (13 July 1984) and the initiatives of the Benelux countries. The name "Schengen" derives from the eponymous Luxembourgish village located at the confluence of the Luxembourg–Germany–France borders, where the Agreement of 14 June 1985 was signed aboard the vessel *MS Princesse Marie-Astrid*; the Convention implementing it (19 June 1990) was also signed in the same location. The choice of this cross-border meeting point on the Moselle River symbolically transformed a peripheral area into a common project aimed at abolishing internal borders.

2.1. Triggering Premises

The origins of the Schengen Area can be understood in relation to the tensions between the ideal of the internal market and the administrative constraints of the European Economic Community (EEC). In the first half of the 1980s, although the principle of free movement was legally enshrined, Member States continued to maintain controls at their internal borders, generating economic costs and logistical frictions that limited the efficiency of integration. The conclusions of the European Council in Fontainebleau (25–26 June 1984) marked a decisive reorientation towards a "Europe of citizens", underlining the need to remove non-commercial barriers and administrative formalities. In the same year, the Commission proposed, through the *White Paper on Completing the Internal Market*, a phased plan for legislative harmonization which, however, remained dependent on the political will of the Member States.

In parallel, the (economic) Benelux Union, already a laboratory of advanced integration, had provided a functional precedent for the abolition of internal border controls. This model legitimized the idea of an "inner-circle" intergovernmental cooperation capable of progressing more rapidly than negotiations at the Community level. In a geopolitical context marked by institutional stagnation, the pragmatic approach of the Benelux states, combined with the Franco-German initiative, paved the way for a partial yet workable solution.

The turning point was the bilateral Saarbrücken Agreement, signed on 13 July 1984 between the Federal Republic of Germany and France, which provided for the gradual elimination of controls at their common border and the coordination of customs procedures. This initiative acted as a catalyst for the formation of the "Schengen Five": Belgium, France, Germany, Luxembourg, and the Netherlands, which, on 14 June 1985, signed the Schengen Agreement aboard the vessel *MS Princesse Marie-Astrid*, moored in the Luxembourgish town of Schengen at the confluence of the Moselle River and the Franco-German border. The choice of location carried strong symbolic weight, a peripheral geographic point transformed into the epicenter of the abolition of Europe's internal borders.

The intergovernmental format adopted a deliberate strategy: the creation of a "vanguard core" capable of advancing beyond the slow pace of the Community process while remaining compatible with the objective of the internal market. Subsequent legal scholarship emphasizes that this rapid, flexible yet coordinated compromise transformed a diplomatic exercise into an institutional prototype for a borderless Europe.

Following the signing of the Agreement of 14 June 1985, the Schengen Area entered a stage of technical and legal negotiations that lasted nearly five years. The initial document, only a few pages long, contained broad political commitments regarding the elimination of internal border controls and the coordination of visa policies, but it lacked the administrative instruments necessary for implementation. In the absence of a solid institutional foundation, the signatory states agreed to draft an implementing convention designed to specify the operational procedures, mechanisms for police cooperation, and the regime governing external borders.

The negotiations were marked by a delicate balance between the desire to ensure freedom of movement and the need to maintain a high level of internal security. France and Germany, supported by Belgium and Luxembourg, insisted on introducing a common system for managing information related to visas, individuals, and goods, which led to the creation of the Schengen Information System (SIS), the first European digital infrastructure for security and police cooperation. This technological innovation enabled the operational exchange of data and quickly became one of the cornerstones of the emerging Schengen architecture.

On 19 June 1990, after years of bilateral negotiations and interministerial consultations, the five states signed the Convention Implementing the Schengen Agreement, the document that transformed a political commitment into a comprehensive legal regime. The Convention defined four essential pillars: (1) the abolition of internal border controls, (2) the unified control of the external border, (3) a common visa policy, and (4) police and judicial cooperation (Refworld, 1990). In essence, this text transformed the idea of an "area without internal borders" into a functional system of transnational governance, endowed with reciprocal obligations and verification mechanisms.

The intergovernmental character of the Convention was deliberately preserved in order to safeguard state sovereignty in the sensitive domains of public order and national security. Nevertheless, the document's ambitious formulations, such as "ensuring a high level of security within the area of freedom", already anticipated its later incorporation into European Union law through the Treaty of Amsterdam (1999). Thus, between 1990 and 1995, Schengen functioned as a parallel yet convergent regime vis-à-vis the Community framework, serving as a real-world test of the viability of a borderless Europe.

Through these transformations, the "Schengen Five" succeeded in turning a symbolic agreement into an operational legal mechanism. Beyond legislative innovation, the success of this model lay in the introduction of a culture of institutional trust, in which mutual control and technical solidarity gradually replaced the traditional mechanisms of frontier verification. The 1990 Convention was therefore not merely an implementation instrument but a genuine matrix of European governance, designed to reconcile freedom of movement with the imperatives of collective security.

2.2. Operationalization and Early Effects (1990–1995)

The signing of the Convention Implementing the Schengen Agreement on 19 June 1990 inaugurated the process of transforming a diplomatic project into a functional regime of cross-border governance. Its implementation, complex and gradual, required the harmonization of national procedures, the interconnection of databases, and the training of border personnel. The period from 1990 to 1995 constituted an institutional testing phase in which the signatory states calibrated the balance between freedom of movement and effective external border control.

The first tangible results appeared with the entry into force of the Schengen system on 26 March 1995, when internal border controls were effectively abolished among the seven participating states (the five founding members plus Spain and Portugal). At that moment, the Schengen Area became both a legal and territorial reality, marking the transition from an intergovernmental agreement to an operational European mechanism.

From an institutional perspective, the Schengen Information System (SIS) represented the central innovation of this phase. It enabled national authorities to share, in real time, data concerning individuals, vehicles, visas, and goods, thereby strengthening police cooperation and the collective capacity to respond to cross-border threats. By interconnecting databases and standardizing alert procedures, the SIS became the first European instrument of collective security based on digital interoperability, a direct precursor of the future European border management systems (Felbermayr et al., 2017).

The economic and political effects of this process have been widely examined in the specialized literature. A comparative study by Wang (2016) highlights that the abolition of internal controls was not merely a symbolic victory for integration but also an experiment in “differentiated integration”, whereby a limited group of states advanced through deepened cooperation outside the formal framework of the European Union (Wang, 2016, p. 79). This strategy, though born of necessity, provided a model for subsequent mechanisms of flexible integration, in which political solidarity is combined with controlled sovereignty.

In practice, the free movement of persons and the elimination of internal border controls generated a significant increase in cross-border mobility and intra-Community trade. Felbermayr, Gröschl, and Steinwachs (2017) demonstrated empirically, using gravity models of trade, that the introduction of the Schengen Area stimulated economic exchanges among participating states by reducing administrative costs and transit times. Thus, the "Schengen effect" became an indicator of economic efficiency and market cohesion, confirming that the principle of freedom of movement yields tangible results beyond its symbolic dimension.

Politically, the consolidation of the Schengen Area functioned as a matrix of institutional trust: common external controls and information exchange created the conditions for a form of European cooperation grounded in mutual responsibility. This culture of cooperation provided the model for the subsequent integration of the Schengen acquis into Union law, formally enshrined through the Treaty of Amsterdam (1999). Thus, between 1990 and 1995, the Schengen idea was transformed into institutional reality, demonstrating that Europe can replace geographical borders with shared norms, procedures, and mechanisms.

The genesis of the Schengen Area illustrates one of the most striking paradoxes of European integration, namely, that the initiatives which fundamentally reshape the continent into a mosaic united by trust do not emerge from grand treaties but from pragmatic ideas tested by a small group of actors. Such an episode occurred in 1984, when France's Interior Minister Pierre Joxe and his West German counterpart Friedrich Zimmermann devised a technical plan for eliminating border controls between France and Germany. Neither sought a geopolitical revolution; it was rather a bilateral experiment aimed at facilitating traffic and reducing transit times between Saarbrücken and Forbach. Yet their idea evolved into an unprecedented model of European cooperation, one that would transform the very logic of sovereignty and security in post-war Europe.

The 1985 Schengen Agreement and the 1990 Convention Implementing it marked the transition from political intent to legal institutionalization. What had begun as a limited intergovernmental arrangement among five states thus evolved into a transnational regime based on mutual trust, technological interoperability, and administrative solidarity. According to Wang (2016), Schengen became "an imperfect but functional form of differentiated integration", an integration born not of a unified vision but of a situational consensus that proved remarkably enduring.

The first tangible effects observed in 1995 confirmed the revolutionary nature of the "project". The elimination of border controls led to a significant increase in mobility and trade flows, demonstrating that upholding the freedom of movement through legal and technological instruments generates both economic value and political cohesion (Felbermayr, Gröschl & Steinwachs, 2017). Considering the points outlined above, Schengen has always been more than a border policy; it has been a governance innovation in which freedom and security became complementary rather than antagonistic.

Viewed retrospectively, the path from idea to reality demonstrates that major European transformations are not born of constraint but of the convergence between vision and opportunity. An agreement signed aboard a ship on the Moselle River by five states, France, Germany, Belgium, Luxembourg, and the Netherlands, motivated more by administrative efficiency than idealism, ultimately came to define the identity of integrated Europe. In this sense, the story of the "Schengen Five" is not merely about the abolition of borders, but about the power of modest ideas to reshape the continent and the European Union itself.

3. Evolution of the Schengen Area and Its Mechanisms. From 5 to 27

The implementation of the Schengen Convention in March 1995 marked the moment when a limited political agreement among five states began to operate as a continental regime. In practical terms, this meant the abolition of internal border controls between participating states, initially the five founding members, followed by Spain and Portugal. Institutionally, however, the construction remained fragile, relying more on political trust and intergovernmental goodwill than on supranational authority. The following years would determine whether Schengen could evolve from an informal club of "willing states" into a structural component of the European Union.

3.1. The Role of the Amsterdam Treaty in The Legal Foundation of the Schengen Area

The paradigm shift occurred with the Treaty of Amsterdam (1997), which entered into force in 1999. For the first time, the Union's legal framework absorbed the Schengen acquis, transforming an external arrangement into an integral part of EU law. This move symbolized not only institutional consolidation but also a change in philosophy: border management was no longer seen as an exclusive attribute of national sovereignty but as an exercise in collective governance grounded in the principles of shared responsibility and mutual trust. Through the "Schengen Protocol", Member States accepted the premise that freedom of movement and security can coexist only within a legally integrated space, subject to judicial oversight and democratic accountability.

This transition from intergovernmental pragmatism to a communitarized policy framework generated both innovation and tension. On the one hand, European institutions acquired legislative competences in domains traditionally reserved for the Member States, visa policy, cooperation on asylum matters, and the management of external borders. On the other hand, the maintenance of opt-out clauses (notably for the United Kingdom and Ireland) underscored the persistence of national reservations within a supposedly "borderless" area (Delivet, 2015). Thus, Schengen became a paradox of integration: it expanded geographically and consolidated legally, yet retained structural asymmetries that would continue to test its coherence.

The Treaty of Amsterdam also introduced the concept of the "Area of Freedom, Security and Justice (AFSJ)", which redefined the language of European integration. Mobility was no longer conceived merely as an economic right but as a civic dimension of Union membership. Schengen provided the practical infrastructure for this vision, demonstrating that the removal of borders could be reconciled with the maintenance of public security through mechanisms of cooperation and shared information systems. As Dumbrava (2023) observes, this stage enshrined the dual character of the Schengen Area: simultaneously a symbol of openness and a laboratory of control.

Between 1995 and 1999, the project underwent a profound structural transformation. What had begun as a provisional framework among a handful of states was absorbed into the constitutional order of the European Union. The Schengen Area ceased to be an “agreement among the willing” and became a central policy of the Union, combining legal uniformity with technological interoperability. From that moment onward, Schengen’s trajectory diverged from its origins: it was no longer a pragmatic experiment but a pillar of European integration.

Following the incorporation of the Schengen acquis into EU law through the Treaty of Amsterdam (1999), the architecture of the borderless area entered a phase of institutional maturation. Schengen evolved from an intergovernmental cooperation based on consensus into a formalized regime of European governance, subject to the legal and political oversight of the Union’s institutions. This transition redefined the logic of the project: from an experiment of those “willing to move further”, Schengen became a common Union policy, with uniform rules, evaluation procedures, and a unified technological framework.

In strict legal terms, the Schengen acquis designates the body of rules, procedures, and instruments adopted under the Schengen Agreement (1985) and the Convention Implementing it (1990), later incorporated into the Union’s legal order. It comprises four main components: (1) the abolition of internal border controls; (2) the common regulation of external borders and visa policy; (3) police and judicial cooperation through mechanisms such as SIS and SIRENE (*Supplementary Information Request at the National Entry*); and (4) the evaluation and monitoring procedures applied to Member States. In essence, the acquis is not a mere legislative package but a dynamic normative framework designed to ensure compatibility between freedom of movement and security requirements (Lutz, 2024). Through its integration into EU law, Schengen became a concrete expression of shared sovereignty, transforming trust among Member States into a legal obligation.

This normative consolidation was followed by a series of institutional and technological developments aimed at strengthening operational mechanisms. The adoption of the Schengen Borders Code (Regulation No. 562/2006) standardized the rules governing the crossing of external borders, while the development of the Schengen Information System (SIS), expanded into its SIS II version in 2013, enabled the swift circulation of data on visas, wanted persons, vehicles, and objects of interest. In parallel, the SIRENE network facilitated operational cooperation among national police and judicial authorities, providing a shared digital infrastructure for border management and security alerts.

In geopolitical terms, Schengen underwent an unprecedented expansion. In 2007, nine Central and Eastern European states, including Poland, Hungary, and the Baltic countries, became members, transforming the borders of the former Eastern bloc into the internal frontiers of the Union (Delivet, 2015). Subsequently, Switzerland and Liechtenstein joined in 2011, followed by Croatia in 2022, consolidating the system's continental dimension. This enlargement was accompanied by strict technical evaluation procedures, under which each state had to demonstrate its administrative and infrastructural capacity to manage the shared external border.

Nevertheless, the enlargement process was not without difficulties. The cases of Romania and Bulgaria, which have awaited full accession for more than a decade, revealed the political dimension of the Schengen mechanisms. Although both countries fulfilled the technical criteria as early as 2011, their admission decisions were repeatedly postponed on grounds of institutional trust and the consolidation of the rule of law. Their situation demonstrated that, beyond its legal and technological infrastructure, Schengen ultimately operates through the capital of mutual trust among Member States.

At the same time, the European Union developed new instruments for the management and protection of external borders. The establishment of the European Border and Coast Guard Agency (Frontex) in 2004 marked the beginning of collective border management, while the 2016 reforms expanded its mandate to include rapid intervention operations, returns, and the coordination of support teams. Alongside SIS, the new systems EES (Entry/Exit System) and ETIAS (European Travel Information and Authorization System) introduced a predictive and digital dimension to the control of migratory flows, reflecting a broader trend toward reconciling mobility with security.

Through these developments, the Schengen Area has evolved from an intergovernmental arrangement into an ecosystem of European governance grounded in technology, common norms, and administrative solidarity. The expansion from five to twenty-seven members was not merely a quantitative enlargement but a structural redefinition of Europe itself, one in which the abolition of internal borders became synonymous with the consolidation of a common external frontier and the emergence of a new form of integration: that of institutionalized trust.

3.2. From 5 to 27: Waves of Accession and the Logic of Enlargement

Following its founding stage, Schengen evolved through distinct waves of enlargement, each conditioned by the fulfillment of the acquis (abolition of internal border controls, unified management of the external border, participation in SIS/SIRENE, evaluation and monitoring) and by the existence of a sufficient level of political trust among states. Enlargement was not linear but rather a sequence of "windows of opportunity" in which political willingness coincided with technical preparedness.

1. Initial Operationalization and the Extended Core (1995–2001). On 26 March 1995, internal border controls were abolished for the extended founding core: France, Germany, Belgium, Luxembourg, and the Netherlands, joined by Spain and Portugal, which simultaneously lifted their own controls upon entry into force. Italy and Austria followed in 1997 (October and December, respectively), and Greece in January 2000. In March 2001, the Nordic bloc—Denmark, Finland, and Sweden, joined, and through association agreements, controls were also lifted with Norway and Iceland. This first wave transformed the "Schengen Five" into an expanded Western European area, fully interoperable with the Nordic Passport Union.

2. The Great Enlargement and Pan-European Anchoring (2007–2011). In December 2007, internal border controls were lifted for the nine states of the 2004 enlargement wave (Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia), followed by the application of Schengen rules to air borders in March 2008. Switzerland joined in December 2008 (land borders) and March 2009 (air borders), while Liechtenstein followed in December 2011. During this phase, technical and legal mechanisms became prerequisites for accession: compliance with the Schengen Borders Code, integration into SIS II, on-site evaluations, and standardized police cooperation.

3. The Recent Phase and the Completion of Schengen Geography (2023–2025). Croatia abolished internal controls on 1 January 2023 (land and sea borders) and on airports in March 2023, effectively closing the circle of enlargement toward the south-east of the EU. Romania and Bulgaria joined the Schengen regime for air and maritime travel on 31 March 2024, followed by the removal of land border controls on 1 January 2025, after the lifting of the final political objections. The cumulative result of these developments is the transition from five founding states to a continental architecture comprising twenty-nine members by 2025 (twenty-five EU states and four EFTA members).

The analysis of these stages reveals the direct relationship between Schengen's mechanisms and its enlargement. Each wave was preceded by normative standardization (the Borders Code, the acquis), technological consolidation (from SIS I to SIS II and later interoperability with EES/ETIAS), and certification through evaluation procedures. Ultimately, enlargement was possible where political trust validated technical capacity, while in cases where trust lagged behind, such as Romania and Bulgaria, accession followed a sequential path: first for air and maritime borders, then for land borders. This is the essence of the "From 5 to 27" formula: a numerical expansion underpinned by a mechanism that converts mobility into legal obligation and administrative interoperability.

When a state declares its intention to accede, it undergoes the Schengen Evaluation and Monitoring Mechanism (SEMM), a standardized process involving on-site missions, reports, and corrective actions. The evaluations cover specific domains: external borders, return procedures, visas, police cooperation, SIS, and data protection, alongside verification of the absence of internal border controls. The goal is straightforward: freedom of movement functions only when the "valve" at the external border and internal cooperation mechanisms are robust.

In concrete terms, candidate states must demonstrate the following:

- **Full alignment with the Schengen acquis.** This condition entails the transposition and implementation of the relevant EU rules. It includes compliance with the Schengen Borders Code (uniform rules governing border crossings), the Visa Code, as well as the periodic updates adopted by the Council. The acquis is not a "static package" but a living framework that is continuously updated and monitored.
- **Effective control of the external border.** This requires adequate infrastructure, equipment, risk analysis, and procedures for air, sea, and land border points, as well as interoperability with EU systems. It

also involves verifying the capacity to manage large flows of travelers and to participate in joint operations.

- **Visa and consular policy.** This refers to the administrative capacity to correctly apply the Visa Code and to use the Visa Information System (VIS) for exchanging data on applicants, with appropriate guarantees for data protection.
- **Technical integration into the Schengen IT systems.** Specifically, robust connectivity to SIS (including its current versions and modules), the establishment and operation of a functional SIRENE Bureau, and the implementation of alert and remediation procedures. Without SIS/SIRENE, the cooperative mechanism cannot function effectively.
- **Police and judicial cooperation.** This refers to the operational exchange of information, joint teams, and the pursuit of alerts, requiring real, not merely formal, capabilities. SEMM evaluations also assess the responsiveness to recommendations and the pace of corrective measures.
- **Data protection in law enforcement.** This entails sets of rules and practices compatible with EU standards, as the entire regime relies on the extensive exchange of sensitive data.
- **Readiness for new instruments.** The EES (Entry/Exit System) is being gradually implemented from October 2025 onward, while ETIAS (European Travel Information and Authorization System) is scheduled for launch in 2026. Accession therefore requires the capacity to operate these systems effectively; otherwise, "gaps" emerge in the collective security net.

Thus, the mechanisms of the Schengen Area largely coincide with its accession conditions: if a candidate state meets them in full, it may lift internal border controls without undermining the system as a whole. For this reason, the enlargement of Schengen has advanced in waves. First, internal standards and policies are consolidated, alignment with the Schengen acquis and with European principles is ensured, and only after these essential changes is a state ready for the removal of borders.

At present, as noted repeatedly throughout this study, the Schengen Area consists of 29 states, of which 25 are members of the European Union. On the waiting list for accession stands Cyprus, the only EU Member State currently pursuing active membership. In 2025, the Cypriot Parliament adopted legislation on VIS, a necessary step in the consular track. The authorities have announced accelerated targets to “close” remaining technical issues. What remains is the evaluation and the political decision in the Council, which requires unanimity. The likelihood of accession by 2026 is high, provided that evaluation reports are positive and no new political objections emerge.

To summarize the argument so far, the evolution of the Schengen Area, from the “Schengen Five” core to the extended architecture of twenty-seven states, has validated a simple but demanding rule: internal openness endures only when accompanied by legal standardization, technological interoperability, and verifiable political trust. The integration of the acquis into Union law through the Treaty of Amsterdam transformed an intergovernmental understanding into a European policy with direct effect, subject to judicial oversight and continuous monitoring. The consolidation of mechanisms, from the codification of borders in the Schengen Borders Code to the maturation of SIS/SIRENE and the professionalization of the executive dimension through Frontex, enabled the transition from symbol to functional infrastructure, even amid successive shocks of terrorism, migration, and the pandemic.

The specialized literature indicates that this progress has been “differentiated” and at times “imperfect”, yet resilient. Deepened cooperation produced convergence without erasing institutional pluralism. At the same time, the economic effects of abolishing border controls confirmed that freedom of movement generates tangible value by reducing transaction costs and intensifying exchanges (Felbermayr, Gröschl & Steinwachs, 2017). The delays in certain accession files, such as those of Romania and Bulgaria prior to their recent completion, show that Schengen remains, inevitably, an equation between technical capacity and political capital; its success depends on the balance between rigorous verification of external borders and the preservation of an unfragmented space of internal mobility. Seen in this light, “From 5 to 27” is not merely a chronological arc but a demonstration that modest ideas, once institutionalized, can redefine the European order. Schengen functions as a laboratory of shared sovereignty, in which freedom, security, and technology are continuously negotiated, and where future enlargement will depend on the same triad:

uniformly applied norms, interoperable systems, and trust validated within the Council.

4. Romania's Accession to Schengen Area. Challanges and Prospects. From 27 to 29

Romania became a full member of the Schengen Area when EU Member States agreed to lift internal land-border checks with Romania (and Bulgaria) as of 1 January 2025, having already removed air and sea border checks on 31 March 2024. The accession completed a process that began with Commission confirmations of technical readiness in 2011 and that combined technical Schengen-evaluations with political negotiations among Member States (Council of the European Union, 2024; European Commission, 2025).

When Romania and Bulgaria joined the European Union on 1 January 2007, the existence of the Schengen Area was integrated in the fundamental law. The two countries signed the accession agreement to the European Union with an eye to the area of free movement. It was both a right and an obligation deriving from the Accession Treaty (Treaty of Accession of the Republic of Bulgaria and Romania, 2005).

Schengen accession has two major evaluation aspects: the technical one, fulfilling the necessary conditions of accession and the political one, which concerns international diplomacy and the trust of the other Schengen Area Member States (EUR-Lex, 2022. *Regulation (EU) 2022/922 -Schengen evaluation and monitoring*. European Union legal summary and text).

4.1. Technical and Political Aspects of Romania's Schengen Area Accession (2011-2023)

From technical point of view, for 14 years, Romania has waited with all its homework done to join the Schengen Area. Already in 2011, the Commission confirmed in the Schengen Evaluation Reports that Bulgaria and Romania have met all requirements to be fully part of the Schengen Area. The Commission has actively supported this process (European Commission, Press Release, 2025).

Even from 2006, before being an EU Member State, Romania has become fully aware of the need to establish her capacity to control all of the 2070 km of EU external border: with Moldova, the Ukraine, Serbia and the Black Sea. At the same time, the main objective of Romania was to reduce cross-border crime without harm to the right of free movement of people, the elimination of visa requirements for Romanian citizens travelling in the Schengen Area having beneficial effects especially for businesses but also for "young people and for the academic and scientific community" (Puşcas, 2006).

So, since 2011, Romania fulfilled the Schenge Area accession criteria (Europe Commission Home Affairs. Schengen Area):

1. A common set of rules applying to people crossing the EU external borders, including the types of visa needed and how checks at external borders have to be carried out.
2. Harmonization of the conditions of entry and of the rules on visas for short stays (up to 3 months).
3. Enhanced police cooperation (including rights of cross border surveillance and hot pursuit).
4. Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments.
5. Establishment and development of the Schengen Information System (SIS).
6. Documents needed for traveling in Europe.

In this context, it is not surprising that European institutions such as the European Commission, the Parliament and the Council supported the cause of Romania and Bulgaria.

Opposition, however, came from the political level. Any major decision such as the accession of a new state to the Schengen Area of free movement must be approved unanimously by the representatives of the Member States. The Netherlands and Austria were the main opponents of Romania and Bulgaria's accession to Schengen. Initially, in 2011, the Dutch cited the fact that Romania has problems with corruption. For Netherlands, corruption was a leitmotif in the Dutch relationship with Eastern European countries, being the same reason why Dutch citizens rejected a Free Trade Agreement with Ukraine in a referendum in 2016 (Şancu, 2024). In 2011, the Netherlands donated body scanners to Henri Coandă Airport from Bucharest, in a program to combat drug trafficking, and insisted that Romania still has an unresolved problem with corruption (Şancu, 2024). In this context, Netherlands and Finland both ended up opposing it at the Justice and Home Affairs (JHA) Council in September 2011, which was supposed to be decisive. So Romania had to accept a new set of conditions, which it implemented by 2012.

At another JHA Council in 2013, the issue of corruption bothered Netherlands again, but also Germany and France. So accession was postponed indefinitely, although most countries agreed to give Romania a clear deadline for accession.

Steps forward were made by the European Commission and its October 2019 Cooperation and Verification Mechanism (CVM) Report. This report clearly concluded that Bulgaria had fulfilled the remaining CVM recommendations satisfactorily, and that Bulgaria had made sufficient progress in meeting its commitments at the time of its accession to the European Union and that all benchmarks regarding Schenge Area can be satisfactorily closed. Similarly, in the November 2022 CVM report, the Commission concluded that Romania has made sufficient progress in meeting its commitments at the time of its accession to the EU and that all benchmarks can be satisfactorily closed (*European Commission, 2023)*.

In December 8, 2022, a new JHA Council took place. With this particular occasion, EU Member States agreed to welcome Croatia, the union's newest member, into Schengen. In the same JHA Council that approved Croatia's accession, Romania and Bulgaria were again rejected, this time by Austria and the Netherlands.

The arguments cited by the Netherlands and Austria this time were corruption and migration. Despite evidence that illegal entries into the Schengen Area are made via Serbia and not via Romania, the Austrians remained determined to maintain their veto (Şancu, 2024).

Anyway, all the arguments of Netherlands and Austria failed when Romania and Bulgaria successfully "passed" monitoring through CVM and the European Commission formally closed the CVM for both Bulgaria and Romania on September 15 2023, after determining they had met all the benchmarks for judicial reform and the fight against corruption. So, the European Commission announced the formal closure of the CVM, by repealing the original two decisions that established the mechanism in October 2019 for Bulgaria and November 2022 for Romania. President

Ursula **von der Leyen** said **in that moment**: *"I would like to congratulate Bulgaria and Romania for the significant progress they made since their accession to the EU. The rule of law is one of our fundamental common values as a Union and both Member States have delivered on important reforms in these past years. Today we recognize these efforts by putting an end to the CVM. Work can now continue under the annual rule of law cycle as for all Member States." (European Commission, 2023).*

In 2023, the Commission requested again Romania's accession to Schengen, and Parliament declared its support. This time, the biggest opponent was Austria, which insisted that Romania could not protect its external borders (because the argument about corruption and the rule of law had been concluded with the CVM).

Austria constituted the final obstacle to Romania's accession to the Schengen Area. Its government had consistently opposed the enlargement, largely due to concerns related to irregular migration. Although not directed specifically against Romanian citizens, Austrian authorities argued that tens of thousands of migrants from the Middle East transit through Romania each year and subsequently apply for asylum within Austrian territory. Romania threatened to take Austria to the European Court of Justice and demand compensation for the money lost, waiting, literally and figuratively, at the Schengen Area gates. The Netherlands was also not very friendly towards Bulgaria's accession, which was important since Romania and Bulgaria were still considered "package deals". The intensity of this opposition diminished notably, reaching a point of relative calm by late 2023 (Şancu, 2024).

In 2024, Schengen Area counted 27 Member States. Romania and Bulgaria should rise that number of the Schengen Member States at 29.

4.2. Romania's Accession to Schengen Area. A Process in Two Phases. (2024-2025)

Even though the accession criteria were met, since 2011 until December 2023, Romania and Bulgaria were kept at the gates of the Schengen Area by the Netherlands, Austria, Finland, France and Germany, which invoked arguments that were dismantled one by one by the European institutions. But, at the end of December 2023, Romania already had its foot in the door of Schengen Area.

Finally, the government in Bucharest managed to reach a compromise: a two-phase Schengen accession, initially by lifting air and sea borders, then with land borders.

In phase 1, Romania joined Air Schengen on March 31, 2024. Since then, there have been no more document checks for flights to other Schengen countries at Romanian airports and ports (Council Decision EU 2023/2877 of 30 December 2023 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania).

On 30 December 2023, President of the European Commission, Ursula von der Leyen said: *"Tomorrow marks an important day: Bulgaria and Romania join the Schengen family. I welcome the lifting of internal air and sea border checks. This is a great success for both countries. And a historic moment for the Schengen area – the largest area of free movement in the world. Together, we are building a stronger, more united Europe for all our citizens." (European Commission, 2024).*

The first flight to land at Otopeni Airport after Air Schengen came into force was, ironically, one from Vienna. After the exuberance of April 1, there was one more step left: joining the land borders. While Romania was still keeping an eye on Schengen, Germany and France reintroduced border controls as a measure against migrants (Şancu, 2024). Therefore, the fight was not over yet and there was a significant risk that Germany and France will once again position themselves against Romania.

Fortunately, after many years of waiting, European diplomacy has finally shown positive signs, indicating that the common European interest in expanding the Schengen Area and enabling the free movement for as many European citizens as possible prevailed over Austria's national concerns and opposition.

Also, Hungarian Prime Minister Viktor Orbán, whose country held the rotating presidency of the Council of the European Union during the second half of 2024, had pledged to secure Romania's accession to the Schengen Area by the end of the year. Hungarian diplomacy became a supporter of Romania's and Bulgaria's cause out of self-interest, seeking to record a major achievement during a presidency that was otherwise deeply contested and subject to high-level boycotts (Şancu, 2024).

In this context, in November 2024, the Austrian press reported that Vienna might reconsider its opposition to the land accession of Romania and

Bulgaria into Schengen Area, while Romanian Prime Minister Marcel Ciolacu firmly announced that Romania would fully join the Schengen Area by Easter 2025. Romanian and Austrian officials subsequently met in Budapest during a summit organised by the Orbán government (Şancu, 2024).

On 22 November 2024, an informal summit was held in Budapest, organised by Hungarian Prime Minister Viktor Orbán, and attended by the interior ministers of Austria, Romania, and Bulgaria. The Hungarian Prime Minister stated that the situation faced by Romania was unfair, as the country had made significant efforts in recent years to meet the Schengen requirements.

Austria, in turn, expressed its willingness to support Romania's accession to the Schengen Area by land, with Austrian Interior Minister Gerhard Karner declaring himself satisfied with the way Romania had managed migration-related issues (Euronews, 2025).

The participants in the discussions agreed that all obstacles hindering the accession of Romania and Bulgaria to the Schengen Area had been removed and set 12 December 2024 as the date on which the vote on their land-border accession to the Schengen Area would take place (Euronews, 2025).

Finally, the meeting of the Justice and Home Affairs Council (JHA) was convened on 12 December 2024, during which all participating ministers unanimously endorsed the accession of Romania and Bulgaria to the Territorial Schengen Area. The outcome was formalized through *Council Decision (EU) 2024/3212 of 12 December 2024*, which established the date for the lifting of checks on persons at internal land borders with and between the Republic of Bulgaria and Romania. The decision explicitly confirmed that, as of 1 January 2025, Romania and Bulgaria would become full participants in the Schengen land area (Council Decision EU 2024/3212).

As of 1 January 2025, border checks at all types of borders: air (airports), sea (Black Sea ports), and land (including on the Danube River), will be abolished, allowing individuals to travel to and from other Schengen Member States (with the exception of Cyprus and Ireland) without being subject to border controls. In practice, travel between Romania and other Schengen Member States will be equivalent to domestic travel within a single country (Euronews, 2025).

The two phased accession strategy (air/sea first, land later) applied to Romania and Bulgaria reflected a unique compromise among Member States to balance political trust and integration momentum.

4.3. Romania's Contribution to the Protection of Schengen Borders

Even though scholars interpret Romania's delayed Schengen entry as a case of differentiated integration, where political considerations override technical criteria, highlight the role of EU conditionality and domestic reforms in achieving eventual inclusion (Oehler-Sincai, 2023; Surubaru, 2021), within the broader European context, Romania's accession was widely regarded as an historical event, symbolizing the completion of a long and politically complex integration process.

Romania's accession to the Schengen Area brings together benefits and responsibilities.

Schengen Area had a positive impact on Romania, which achieved 3 major goals:

- Enhanced mobility and reduced border-crossing time for travelers and freight.
- Strengthened cooperation in EU policing, data-sharing, and border management.
- Economic growth from smoother trade and tourism flows.

The main responsibility of Romania concerning the Schengen Area it is about ensuring the security of external borders. Romania has played a significant role in strengthening the security of the European Union's external borders, even before its full accession to the Schengen Area. Positioned at the EU's eastern frontier, Romania has consistently aligned its border management practices with the *Schengen acquis* and EU standards concerning migration control, customs enforcement, and data exchange (European Commission, 2023).

The country has invested substantially in modern surveillance and detection systems, including biometric technologies and integrated monitoring infrastructures along its borders with non-EU states such as Ukraine, Serbia, and the Republic of Moldova (Romanian Border Police, 2024). These measures have been complemented by Romania's active cooperation with the European Border and Coast Guard Agency (*Frontex*), through the deployment of Romanian officers in joint operations in Greece, Italy, and other high-risk border areas (Frontex, 2023).

Furthermore, Romania has been a key contributor to the *Schengen Information System* (SIS) and the *Visa Information System* (VIS), enhancing the EU's capacity to exchange information efficiently and prevent irregular migration, human trafficking, and cross-border organised crime (European Commission, 2023). Bilateral and regional cooperation with neighbouring countries has also reinforced Romania's role as a stabilising factor at the EU's external borders.

Romania's sustained efforts in securing the Union's frontiers, modernising its border infrastructure, and participating in European security mechanisms demonstrate its readiness and reliability in safeguarding the integrity of the Schengen Area.

The first evaluation of Romania since entering the Schengen Area took place in October 2025 and was a "very good" one, according to the statement of the European Commissioner for Home Affairs and Migration, Magnus Brunner. Also, Magnus Brunner highlighted that Romania has managed to reduce the phenomenon of illegal migration to a level of "almost zero", through investments in human, logistical and financial resources, but also through close collaboration with neighboring states and European institutions.

The European Commissioner awarded the title of "Mr. Schengen" to Interior Minister of Romania, Catalin Predoiu for his significant contribution to Romania's accession to the Schengen Area and he stressed that Romania's external borders are, in fact, the external borders of the European Union and must be protected as such. (Lupițu, 2025).

In conclusion, eighteen years after joining the European Union, Romania reaches a symbolic milestone in its integration trajectory by attaining full membership of the Schengen Area, thereby consolidating its position within the core structures of the European project as an important as an important guardian of the external borders of the Schengen Area.

Despite its comprehensive scope, the study faces several inherent limitations. First, the analysis relies primarily on **official EU and institutional sources**, which, while authoritative, often present policies in normative rather than critical terms. This may limit the perspective on how Schengen operates in practice at the level of national administrations or border regions.

Second, the study focuses mainly on the **legal and institutional dimensions** of Schengen integration, leaving less room for the sociopolitical effects of free movement — such as cross-border labor mobility or public perceptions of security.

Third, the **data on Romania's post-accession performance** remain preliminary, given that full membership was achieved only in 2025; therefore, long-term evaluations of its impact are still pending.

5. Conclusions

Sine quo dubium, Schengen Area, is one of the most tangible achievements of European integration.

The evolution of the Schengen Area represents one of the most eloquent expressions of the European integration process, illustrating how a limited intergovernmental initiative, born out of the political stalemates of the 1980's, transformed into a fundamental pillar of the contemporary European project. The Agreement signed in 1985 by five founding states: Belgium, France, Germany, Luxembourg, and the Netherlands, initially had a pragmatic character, aiming to remove internal border controls in order to facilitate the free movement of persons. However, with the adoption of the 1990 Convention implementing the Schengen Agreement, this initiative evolved from a simple technical arrangement into a complex system of legal, police, and informational cooperation, built upon mutual trust and administrative solidarity.

The entry into force of the Schengen Area in 1995 marked the transition from intention to reality, confirming the viability of an integration model based on the elimination of internal borders and the joint management of external ones. This transformation generated tangible benefits for European citizens and national economies alike, facilitating mobility, trade, and the consolidation of a shared sense of belonging to a common area of freedom.

Through the Amsterdam Treaty of 1999, the Schengen acquis was incorporated into European Union law, thus shifting from an intergovernmental framework to a Community policy regulated by legal norms and subject to the jurisdictional control of EU institutions. Consequently, Schengen became an integral part of the Area of Freedom, Security, and Justice, gaining a political and institutional dimension that far exceeds its initial objective of ensuring free movement.

In the following years, the consolidation of the Schengen Area was achieved through a series of reforms designed to standardize its legal framework (the Schengen Borders Code), modernize its technological infrastructure (SIS II, EES, ETIAS), and strengthen its operational dimension in the field of border and security management (Frontex). These developments contributed to the professionalization of the Schengen mechanism and to the establishment of a coherent system of transnational governance.

The gradual enlargement of the Schengen Area, from the original five signatories to the current twenty-seven member states, illustrates the maturation and deepening of European integration. Each phase of accession was conditioned not only by the fulfillment of technical and legal criteria defined by the Schengen acquis, but also by the existence of mutual political trust among member states. In this regard, the cases of Romania and Bulgaria demonstrate that accession to Schengen goes beyond technical compliance, requiring also a process of political validation at the European level.

Romania's accession to the Schengen Area, finalized on **1 January 2025**, represents both the completion of a long-awaited process of European integration and the affirmation of Romania's maturity as a reliable Member State within the European Union. The road from the confirmation of technical readiness in **2011 t**o full accession in **2025** demonstrates that Schengen enlargement is not only a matter of fulfilling objective criteria, but also one deeply influenced by political trust, diplomatic negotiation, and the dynamics of consensus among Member States.

The **two-phase accession process**, implemented in 2024–2025, became a pragmatic compromise that balanced political reservations with the need to preserve the momentum of European integration. The lifting of air and sea border controls on **31 March 2024**, followed by the removal of land border checks on **1 January 2025,** symbolized both Romania's persistence and the EU's capacity to find flexible institutional solutions to overcome political deadlock. This step not only rectified a long-standing asymmetry between Romania and other Member States but also reinforced the credibility of the Schengen framework as a cornerstone of European unity.

Romania's accession also underscored its **strategic role in safeguarding the Union's external borders.** Long before full membership, Romania had aligned its border management practices with EU standards, investing significantly in surveillance technologies, biometric systems, and cross-border intelligence cooperation. Its close collaboration with **Frontex** and active participation in joint operations in southern Europe demonstrated both solidarity and operational competence. Following accession, the first Schengen evaluation in **October 2025** confirmed Romania's exceptional performance in border control and migration management, with the European Commissioner for Home Affairs recognizing its effectiveness and commitment to EU security.

Beyond its administrative and security dimensions, Romania's inclusion in the Schengen Area carries profound **symbolic and political significance**. It marks the closure of an 18-year journey since EU accession in 2007 and the completion of one of the last stages of integration. For Romania, full Schengen membership affirms its equal standing among Member States and consolidates its role as a **guardian of the EU's eastern frontier**. For the European Union, the expansion of Schengen by land, sea, and air embodies the Union's enduring commitment to freedom of movement, solidarity, and the shared management of common borders.

Romania's path to Schengen demonstrates that **technical compliance alone is not sufficient without mutual political confidence.** Yet, it also shows that perseverance, institutional reform, and constructive diplomacy can ultimately overcome national reservations. The full accession of Romania and Bulgaria strengthens not only the integrity of the Schengen Area but also the cohesion of the European Union itself, reaffirming the vision of a Europe that is at once secure, open, and united.

Today, the Schengen Area operates as a genuine laboratory of European integration, balancing freedom and security, openness and control. It reflects an advanced form of **shared sovereignty,** in which member states coordinate their policies within a common framework that guarantees both the protection of citizens and their right to free movement.

In conclusion, the evolution of the Schengen Area, from a modest initiative of five states to a common policy of twenty-nine members, confirms that European integration is founded on pragmatism, cooperation, and institutional trust**. Schengen Area** covers a total area of approximately **4.3 million square kilometers** and a population of over 450 million people who benefit from free movement within the area. But Schengen is not merely the symbol of a Europe without borders, it is also the proof of the Union's capacity to transform diversity into a higher form of unity, grounded in shared values and functional solidarity.

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Circular Labour Mobility after COVID-19: Workforce Management Challenges and Policy Responses in Central and Eastern Europe

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Abstract: This article examines the structural shifts in circular labour mobility within Central and Eastern Europe (CEE) following the COVID-19 pandemic. It explores how the health crisis disrupted traditional migration patterns, forcing a transition from fluid seasonal movements to more rigid or digitalized forms of workforce management. The study identifies key challenges for HR managers, including legal uncertainty, health protocols, and the retention of mobile workers in a volatile economic landscape. Furthermore, the paper analyzes policy responses initiated by CEE governments to balance economic necessity with public health security. By synthesizing current labor trends and regulatory shifts, the research offers insights into the future of regional labor integration and the resilience of the CEE workforce ecosystem.

Keywords: *circular mobility, CEE region, COVID-19 impact, labor policy, workforce management*

J.E.L. Classifications: **J61, J81, O15, P20**

1. Introduction

The landscape of international business and labor markets in Central and Eastern Europe (CEE) is undergoing a profound transformation, shaped by the long-term aftermath of the COVID-19 pandemic. Traditionally, circular labor mobility has been a cornerstone of the regional economy, allowing for a fluid exchange of human capital between emerging and developed markets. However, the confluence of health-related border restrictions and shifting geopolitical dynamics has forced a transition in how the workforce is managed. This article delves into the pivotal trends defining this new environment, exploring how organizations and policymakers in CEE navigate the complexities of "post-pandemic" mobility.

The primary objective of this work is to state the challenges faced by HR managers — such as legal uncertainty and digital transformation — while providing an adequate background on the policy responses initiated by regional governments. By examining the intersections of economics, technology, and regulatory frameworks, this section aims to shed light on the opportunities that define the future of labor integration in the CEE region. As indicated in this template, the study remains concise to ensure a clear focus on the most important results regarding workforce resilience.

Specifically, the manuscript seeks to provide answers to the following essential questions:

- What is the current problem regarding the stability of circular migration in the CEE region?
- What has been done by other researchers regarding post-crisis workforce management and where can this study contribute?
- Which methods or tools were used to analyze the effectiveness of these new labor policies?
- What are the results concerning the adaptability of the CEE workforce ecosystem?
- What is new and good in the current management approach, and what remains inefficient?

Through this structured inquiry, the paper provides a snapshot of a highly dynamic industry, emphasizing that the landscape of international business in labor has evolved significantly since the initial global update in 2021.

2. Literature Review

The conceptualization of circular labour mobility within the Central and Eastern European (CEE) context has undergone a significant paradigm shift in the wake of the global health crisis. To address the question of how this phenomenon integrates into international business, we must analyze recent academic contributions that redefine the relationship between borders, labor, and capital. According to Fasani and Mazza (2020), the pandemic act as a "stress test" for European labor markets, revealing that the "circularity" of the workforce is not merely a migratory preference but a structural necessity for the survival of key economic sectors such as agriculture and logistics.

In the realm of international management, the traditional models proposed by early scholars have been updated to reflect a more volatile environment. Recent studies by Kahanec et al. (2020) argue that the CEE region has transitioned from a "buffer zone" of cheap labor to a sophisticated laboratory for "digitalized labor management." This evolution aligns with the core objectives of international business — resource acquisition and risk minimization — as defined in modern pedagogical frameworks. As firms in CEE seek to maintain competitiveness, the management of mobile human capital has moved from informal recruitment to highly regulated, tech-driven ecosystems.

A critical aspect discussed in post-2020 literature is the "regulatory fragmentation" that emerged during the recovery phase. While the European Commission introduced "Green Lanes" to facilitate the movement of essential workers, national responses across CEE remained inconsistent. This phenomenon, described by Barbulescu and Favell (2020) as "the return of the border," forced international business entities to adopt more agile HR policies. The ability of a company to navigate these shifting legal landscapes became a primary competitive advantage. In this sense, circular mobility is no longer just about physical movement; it is about the management of legal and health-related compliance across multiple jurisdictions.

Furthermore, the integration of technology has redefined the "consumer-provider" relationship in the labor market. As noted by Jaradat and Stan (2023), the digitalization of business processes — ranging from blockchain for credentialing to AI-driven shift optimization — has become a cornerstone of regional resilience. This technological push addresses the "mobility paradox": the need for high physical presence in essential sectors despite restricted movement. Recent research by Lopez-Sala and Godenau (2020) emphasizes that the "new normal" for circular migration involves a hybrid model where the administrative and recruitment phases are entirely digital, while the labor remains physical and circular.

Finally, the ethical dimension of international labor business has gained unprecedented prominence. The vulnerability of CEE workers during the 2020-2022 lockdowns led to a surge in academic interest regarding "decent work" agendas. Scholars like Rye and O'Reilly (2021) highlight that the sustainability of circular mobility depends on a shift from a "cost-minimization" strategy to a "worker-centric" model. In the international business framework, this translates into a move toward corporate social responsibility (CSR) as a tool for ensuring labor supply stability. Therefore, the literature suggests that the future of circular mobility in CEE will be defined by three pillars: digital integration, regulatory agility, and ethical sustainability, all of which are essential components of modern international management.

Now depends heavily on its capacity to navigate these complex regulatory paradoxes.

3. Methodology

The current research is designed as a qualitative and exploratory study, aiming to provide a comprehensive overview of the post-pandemic labor landscape in the CEE region. In order to achieve a high degree of scientific accuracy, the research has several main objectives:

a) To investigate the current state of international business regarding circular labor mobility in the CEE region, with a focus on the 2022-2025 period;

b) To explore and define core concepts such as: workforce management resilience, policy responses at the national and regional levels, and the digitalization of labor flows;

c) To identify and analyze the structural problems the current recruitment and deployment system is facing during the economic recovery phase.

Thus, the main research question of the current article is: *"How have workforce management strategies and regional policies in Central and Eastern Europe adapted to maintain the sustainability of circular labor mobility in a post-crisis environment?"*

To provide a structured answer to this question, the study is built upon four qualitative research hypotheses:

Hypothesis 1: The digitalization of labor administration — specifically the implementation of e-visas and digital work permits — has become a mandatory strategic tool rather than an optional technological upgrade for managing seasonal flows.

Hypothesis 2: Post-pandemic policy responses in CEE are characterized by a "security-first" approach, where public health protocols and national security considerations are now permanently integrated into international labor agreements.

Hypothesis 3: Successful workforce management ventures in the CEE region are those that demonstrate "strategic agility," utilizing data analytics to predict labor shortages and optimize the rotation of circular workers.

Hypothesis 4: The sustainability of the circular mobility model is increasingly dependent on ethical recruitment standards and the enhancement of social protections for mobile workers, moving away from a purely cost-centric approach.

The research methodology employs a multi-faceted approach. First, a **Literature Review** was conducted to establish the theoretical framework. Second, a **SWOT Analysis** (Strengths, Weaknesses, Opportunities, Threats) is utilized in the findings section to evaluate the strategic position of the CEE labor market. Third, an **Input-Output Analysis** is applied to visualize the transition from policy inputs (regulations, technology) to management outputs (efficiency, resilience). This combination of methods ensures that the results are both theoretically grounded and practically relevant for stakeholders in the international labor business.

4. The Current Landscape in Circular Labour Mobility

As of the current post-pandemic recovery phase, the landscape for international workforce management in Central and Eastern Europe (CEE) has moved beyond the initial disruption of 2020-2021. The sports and labor industries alike are highly dynamic, and the environment has evolved significantly. Here is a snapshot of the key aspects defining the international business of labor at this time:

4.1. Globalization of Labor Markets and Regional Integration: First and foremost, the globalization of labor opens up new markets for economic growth. CEE countries have transitioned from being simple "exporters" of labor to strategic hubs that manage complex seasonal flows through bilateral agreements. This leads to increased cross-border partnerships and a thriving ecosystem of international business services. Moreover, labor mobility enhances diplomatic ties and soft power projection within the European Union. Nations aim to showcase their regulatory stability to attract global investors. However, this globalization presents challenges, including navigating cultural nuances and regulatory differences. These challenges require international business professionals to tailor their HR strategies to specific regional sensitivities.

4.2. Technological Advancements in Workforce Tracking: Technology has revolutionized how mobile workers are managed. Through digital platforms and mobile apps, fans of regional stability — namely employers and agencies — can coordinate logistics like never before. This heightened engagement translates into better contract compliance and reduced administrative friction. Furthermore, data analytics and performance-tracking technologies have become essential tools for recruitment organizations. They provide crucial insights into migration trends and worker behavior, enabling informed decision-making for diverse international audiences. Technological advancements have also facilitated remote collaborations, breaking down geographical barriers.

4.3. Geopolitical Factors and Mobility Corridors: Political tensions and diplomatic relations directly influence international labor flows and host selection for large-scale projects. Disputes or shifts in regional alliances can lead to the exclusion or inclusion of certain national groups from major labor markets. Businesses must carefully navigate political sensitivities when entering into partnerships with recruitment agencies in different regions. Understanding the geopolitical climate is crucial for avoiding controversies and reputational risks. Furthermore, the political stability and infrastructure capabilities of CEE host nations are key considerations for international business planning.

4.4. E-services and Virtual Administrative Support: E-services have gained enormous popularity, attracting a vast and engaged administrative audience. This presents a unique opportunity for technology companies to tap into the labor market and reach a younger, tech-savvy demographic. Virtual sports of "administrative navigation" — simulated scenarios for border crossing and compliance — have become a response to the demand for digital format entertainment and training. International businesses are capitalizing on this by developing virtual content and immersive training experiences, creating new avenues for revenue. This rapid growth underscores the adaptability and innovation required in the evolving landscape of international labor business.

4.5. Sustainability and Ethical Integrity: The global reach of labor mobility provides a platform for raising awareness on sustainability issues. Organizations have immense influence over their workforce base, allowing them to champion responsible consumption and sustainable practices. Sustainability initiatives align with evolving consumer preferences, as stakeholders become more conscious of social concerns. This creates a competitive advantage and strengthens brand reputation. Moreover, ethical challenges encompass concerns like fair play in recruitment, worker welfare, and governance transparency. Ethical lapses can lead to controversies that reverberate globally. Therefore, businesses seek to partner with organizations that uphold high ethical standards.

5. Findings

The results of our analysis indicate that the CEE labor market is in a state of "digital recalibration." While the pandemic initially stalled movement, it acted as a catalyst for policy modernization. The following tables summarize the strategic position of circular mobility in the region:

Table 1. SWOT Analysis regarding the importance of circular labour mobility in CEE.
Source: Author's own elaboration (2025).

Strengths	Weaknesses
High adaptability of CEE workers to changing health protocols;	Heavy dependency on Western European seasonal demand;
Established recruitment networks and bilateral agreements;	Lack of unified social security synchronization for short-term contracts;
Rapid adoption of digital HR tools for remote compliance.	Legal gaps in protecting "essential" mobile workers during crises.
Opportunities	**Threats**
Harmonization of EU labor policies regarding "Green Lanes";	Brain drain toward markets with higher wage stability;
Digitalization of work permits and "E-visa" systems;	Geopolitical instability affecting eastern borders (e.g., Ukraine);
Increased focus on worker welfare as a branding tool for agencies.	Future health-related border closures reducing market fluidity.

Table 2. Input-Output analysis regarding the future of circular labour mobility in CEE

INPUT	OUTPUT
1. Digital Integration: The implementation of electronic tracking and digital labor contracts.	1. Operational Efficiency: Faster deployment of seasonal workers and reduced administrative costs.
2. Policy Harmonization: Unified CEE responses to EU labor directives and health standards.	2. Regional Resilience: A more stable labor supply chain that can withstand external shocks.
3. Enhanced Worker Welfare: Investments in better housing and health insurance for mobile staff.	3. Increased Loyalty: Higher return rates of seasonal workers to the same employers.
4. Data Analytics: Using AI to predict labor shortages and optimize recruitment cycles.	4. Informed Decision-Making: Strategic agility in responding to shifting market demands.

6. Conclusions

The future of circular labour mobility in Central and Eastern Europe is poised for dynamic transformations, driven by an array of evolving trends that will reshape the industry. As demonstrated in this study, the post-pandemic recovery is not merely a return to previous patterns but a shift toward a more digitalized and regulated "managed mobility" model. Globalization will continue its relentless march, as regional labor markets expand their reach, fostering a more diverse and integrated workforce ecosystem.

Technology will remain a linchpin, with data analytics and digital administrative platforms redefining fan engagement with the labor market and worker performance analysis. Changing consumer and employer preferences, marked by a heightened emphasis on sustainability, personalized worker experiences, and social responsibility, will push recruitment organizations to adapt and innovate. Meanwhile, the complex interplay of geopolitics and international labor business will demand strategic agility and proactive risk management from CEE policymakers.

In this ever-evolving landscape, ethical integrity will be paramount, ensuring the industry's long-term sustainability by protecting the welfare of the mobile workforce. As international business in labor charts its course into the future, it must harness these trends to create innovative, inclusive, and ethically sound opportunities that captivate global economic stakeholders.

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Risks and Opportunities in Cryptocurrency Trading

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Abstract: Cryptocurrency supporters claim that every major technological development in human history has produced, in addition to direct advantages, in addition to intrinsic positive influences, strong opposition. Using a new technology opens up innovative paths, it is a "sine die" progress, but it has also produced a number of reluctances, to put it mildly, protests or violent rejections. Changes in themselves are traumatic, on the stress map, after the death of a family member, stressful events include changing residence, changing jobs, changing lifestyles. Revolutionizing technology and the way of working are demanding, they can be traumatic. Opponents of cryptocurrencies will argue that there have been staggering losses and frauds in the field of cryptocurrency trading, so much so that there are voices claiming that this creation is nothing more than a Ponzi-type pyramid scheme designed to bring gigantic profits to those who initiate them and the first to use them, but ultimately harms those who dare to purchase or trade them. The security of obtaining, storing and trading standard-type valuables, "fiat" money (declared by the state with a certain conventional value) and cryptocurrencies, for example, are issues that have marked and shaped the course of human society from the beginning to the present day. This paper seeks and aims to provide an introduction to the world of cryptocurrencies, to formulate some nuances and to explain why other clarifications have not been made so far, especially in the area stated in the title "Risks and opportunities in cryptocurrency trading".

Keywords: *cryptocurrencies, Bitcoin, risks, profits, information impact, pyramid schemes, tax code, market volatility, legal framework, perspectives.*

J.E.L. Classifications: G23, G28, O33

1. Introduction

The last decades of humanity have been characterized by the impact of the Internet and the revolution of digital technologies that have become overwhelming and tend to subjugate all spheres of human concerns and activities.

The financial sphere could not escape the technological revolution either, and a certain characteristic of performance and excellence that can be attached to banking institutions has made it one of the areas that have adapted digital technologies the fastest and most deeply.

Moreover, we can speak not of an adaptation, but of the manifest tendency for classical currency to be partially replaced, and in the future completely, with digital signs, for cash to no longer exist or be used, and for electronic financial transactions to be used exclusively.

However, these aspects refer to the transposition of financial operations, especially banking ones, using modern methods and digital technology. We act on accounts through computers, but behind these sales, purchases, storage, investments is still classic currency, even if it is "fiat money".

Fiat money is based on the trust that individuals have in states and governments. It represents currency issued by the Central Bank by the government, but its value equivalent is not covered by physical support, precious metals, gold, silver or any commodity. The value is supported by trust in the Executive that generated/produced/issued the currency and is subject to the game between Demand and Supply on the market. A regulatory act, in principle the law, is the one that establishes the value and imposes it as a legal means of payment as in the case of the dollar or the euro.

2. The Emergence and Theoretical and Technological Foundations of Cryptocurrencies

In the last two decades, the rapid development of digital technologies has generated profound changes, we dare say, in all areas of human activity, including financial ones. One of the most notable innovations is that of cryptocurrencies — virtual currencies based on blockchain technology — that aim to transform the way we transfer and store economic value.

The first example, Bitcoin, created in 2009 by the anonymous entity Satoshi Nakamoto, paved the way for a complete decentralization of transactions, without banking intermediaries or central authorities. It is estimated that there are now about 20,000 active cryptocurrencies, with a market capitalization that would exceed, at certain times, 2 trillion US dollars.

Investor enthusiasm is followed by a high level of uncertainty and risk. We aim to draw attention to the main risks and opportunities in cryptocurrency trading with economic, legal and social aspects.

Cryptocurrencies are based on blockchain technology, a distributed ledger that claims to ensure transparency, security and secure permanence of transactions. Economically, they are both alternative means of payment and speculative assets, depending on the purpose and method of use.

Blockchain technology enables decentralized recording of transactions, reducing dependence on central financial institutions. The pseudonymous nature of transactions threatens the regulation and fight against illicit activities.

3. Opportunities in Cryptocurrency Trading

Cryptocurrencies enable participation in the global financial system for people who do not have access to traditional banking services. Financial inclusion is a step towards reducing economic inequalities. We are talking about a democratization of financial access.

The blockchain system allows the generation of new financial instruments, such as smart contracts, decentralized finance (DeFi) or tokenization of real assets. They are instruments with increased transparency, low costs, but operational efficiency. As we will see, cryptocurrencies are a combination of innovation and technological efficiency.

Investment opportunities. The rapid fluctuation of the cryptocurrency market induces a risk, but offers the potential for high returns for investors willing to accept the degree of uncertainty. Cryptocurrencies can function as a diversification asset in traditional investment portfolios, having a low correlation with classic financial markets.

Transparency and security. The possibility of falsification or manipulation of data is reduced because, through the way it is constituted, the blockchain gives complete traceability to transactions. This feature can strengthen trust in digital financial systems and improve audit and control processes.

Other facilities. Cryptocurrencies have paved the way for a decentralized, transparent and global financial system. A great opportunity invoked is independence from traditional banking institutions. With blockchain technology, transactions can be carried out directly between participants, without intermediaries, reducing costs and processing time.

A remarkable chance is the possibility of quick profit through inspired investments. The cases are famous of the first investors in Bitcoin. In 2010, a bitcoin was worth only a few cents, in 2021 it exceeded the threshold of 60,000 dollars. The American programmer, Laszlo Hanyecz, became a legend, who in 2010 paid ten thousand bitcoins for two pizzas — an amount estimated today at approx. six hundred million dollars — exemplify the fabulous growth potential of these assets.

We also witness the success of early investors in Ethereum, Binance Coin or Solana, who have recorded returns of thousands of percent in just a few years. At the same time, cryptocurrencies offer new financing tools, such as Initial Coin Offerings (ICO) or DeFi — decentralized finance — that democratize access to investment.

4. Risks Associated with the Field of Cryptocurrencies

Social routine shows us that where there are huge opportunities, there are also corresponding risks. First, the great volatility makes the cryptocurrency market unpredictable. Prices fluctuate by tens of percent in a single day, and unwary investors can lose significant amounts in a very short time.

Secondly, the clear global regulation that "is sublime, but completely lacking" to quote a literary work, facilitates the emergence of fraud. The OneCoin scandal is famous, promoted as a "revolutionary cryptocurrency" that turned out to be a planetary fraud, damaging investors with over 4 billion dollars. The founder, Ruja Ignatova, nicknamed "Crypto Queen", is still on international wanted list.

Another notorious case is the collapse of the FTX platform in 2022, when billions of dollars in customer funds disappeared due to non-transparent financial practices.

The protective anonymity of some cryptocurrencies, such as Monero or Zcash, has attracted cybercriminals, organized crime groups and has also highlighted the risks related to crime and money laundering.

Thus, a new term appears: ransomware. This is malicious software (malware) that infects a PC, encrypts files or blocks access, then demands a ransom (ransom) to decrypt or unlock them, usually payable in cryptocurrency, blackmailing that otherwise it will publish the data or destroy everything. It infiltrates through email attachments, links or unsafe websites. Even payment does not guarantee data recovery. For example, the 2021 ransomware attack on the American company Colonial Pipeline demanded a huge ransom in Bitcoin, revealing that these technologies are also perfectly suited for illegal purposes.

Major claimed disadvantages of cryptocurrencies: Market volatility Cryptocurrencies are subject to extreme price fluctuations, often driven by speculative factors, nebulous regulation, and media impact. High volatility makes them contestable, unsuitable as a stable means of payment, and induces uncertainty for investors;

Technological and cyber risks Blockchain is said to be secure, but the surrounding technological "ecosystem", digital wallets, trading platforms, DeFi applications (DeFi applications-Decentralized Finance-are blockchain-based programs that offer financial services (loans, exchanges, directly between users, eliminating bankers, through smart contracts and platforms) remains vulnerable to cyberattacks, fraud or involuntary implementation errors. Very important: losing private keys means irreversible loss of assets!

Legal and regulatory risks. The handicap of a clear international regulatory framework remains one of the great challenges. There are almost singular states, such as Switzerland or Singapore with favorable regulations, many more completely prohibit the use of cryptocurrencies. The enumeration of those that prohibit, or strictly control, are particularly dictatorial and can thus constitute a plea for the field: Iran, Iraq, China, Algeria, Colombia, etc. In the European Union, the MiCA (Markets in Crypto-Assets) regulation adopted in 2023 represents an important step towards a uniform legal framework. Only one European country, North Macedonia, has so far banned cryptocurrencies.

Ethical and social risks Anonymous transactions can encourage and facilitate crime, such as money laundering, tax evasion or terrorist financing. Strikingly, the high energy consumption of the "mining" processes (insurance) raises environmental sustainability issues, especially in the case of cryptocurrencies based on the Proof of Work mechanism.

The crypto "mining" process involves using the computing power of a device (PC, ASIC-Application-Specific Integrated Circuit, translated – Application-Specific Integrated Circuit, etc.) to solve complex mathematical problems, validating transactions and adding them to a public ledger called the blockchain.

Miners, the network participants, are rewarded with newly created cryptocurrencies for their effort, ensuring the security and decentralized operation of the network, as Bitcoin does. This process verifies transactions, groups them into "blocks" and links them to the existing chain, maintaining the integrity of the system. It consumes a surprisingly large amount of conventional energy.

5. Introduction to the World of Cryptocurrencies in Romania

Enthusiasts and technology experts, around 2013, began to make cryptocurrencies known in Romania. The first Romanian exchange platforms were reported in the period 2014–2016, such as BTCxChange (the first major local platform). At that time, the authorities in our country were undecided regarding the legal status of cryptocurrencies – they were neither recognized as official currency, nor prohibited.

Elements of the regulatory framework incident. Later in 2019, our state, in Eastern Europe, is one of the first to introduce tax regulations for cryptocurrency earnings. In the Tax Code, income obtained from cryptocurrency transactions is considered income from other sources and is taxed at 10%. At the same time, the National Bank of Romania (BNR) reiterated warnings about the risks of investing in digital assets, emphasizing volatility and lack of guarantees.

Some praise, but others warn about the lack of control, that Romania is among the European countries, especially among young people between 18 and 35 years old, with a very high level of adoption of cryptocurrencies.

Local exchanges (Tradesilvania, Coinzix, Tokero) and numerous online communities dedicated to blockchain investments have emerged. Cryptocurrency payments are accepted by a growing number of merchants and IT service platforms.

The current cryptocurrency market in Romania. According to recent studies (2023–2024), over 25% of Romanians active online declare that they own or have owned cryptocurrencies. However, the level of financial education is estimated to be low, which makes many investors exposed to speculative risks.

The academic environment and educational institutions assume a more prominent role in informing and educating the public. Universities and research centers in Romania have initiated courses on blockchain and digital currencies in educational programs.

6. Congruences and Interactions Between the Banking Field and Cryptocurrencies

The interferences between banking law and the world of cryptocurrencies are deeper in step with the evolution of financial technology. Here are the main areas where the two fields meet or conflict:

1. Regulation of financial activities. Cryptocurrencies take over traditional banking functions (payments, storage of value, investments) and raise legal dilemmas regarding:

- the legal status of digital assets. What are they: currency, commodity, financial instrument?
- Adapting and imposing banking regulations on crypto platforms.
- Authorizing service providers (exchanges, institutional custodians, stablecoin issuers). In many cases, exchange and custody activities are subject to regulations similar to banking.

2. KYC, AML and combating the financing of terrorism. Banks are strictly obliged to:

- Identifying the customer (KYC - “Know Your Customer” or “Know Your Client”)
- Monitoring transactions

- Reporting to authorities (AML/CFT-(AML - Anti-Money Laundering) and financing of terrorism (CFT - Counter-Financing of Terrorism).

Cryptocurrencies — being partially anonymous and decentralized — raise issues regarding:

- Traceability of funds
- Obligations of exchanges ("banks" of the crypto world)
- application of FATF rules (including the "travel rule"). FATF (Financial Action Task Force). Here one of the most important areas of interference and tension arises.

Integration of cryptocurrencies into the traditional financial system. Banks are becoming interested in:

- custody of digital assets
- transaction services for customers
- tokenization of bank assets (converting ownership rights or the value of tangible and intangible assets (such as real estate, stocks, bonds or even bank deposits) into digital tokens
- blockchain-based payments

It is an integration process that raises legal issues regarding licensing, liability and consumer protection.

4. Stablecoins and Central Bank Digital Currencies (CBDCs). Stablecoins are private cryptocurrencies anchored (linked) to the value of a stable asset (e.g. dollar, gold), aiming to combine the stability of traditional money with the speed of crypto, while Central Bank Digital Currencies (CBDCs) are electronic versions of national currency, issued directly by a central bank, offering security, efficiency and government control. Controversies arise about privacy and the role of banks. Both explore the future of digital money, but have different origins and functions, CBDCs are a direct competitor to private stablecoins.

Stablecoins, in turn, partially compete with banking functions:

- payment instruments
- store of value
- alternatives to fiat currencies

Banking regulations and rules on minimum reserves, transparency and financial stability also apply to them. CBDCs also represent a major point of convergence between monetary authorities and crypto technology.

5. Consumer protection and systemic risk. Banks are heavily regulated to protect depositors.

Cryptocurrencies, on the other hand:

- can be very volatile
- do not have deposit guarantees (e.g. bank guarantee system)
- can expose investors to fraud and technical losses – key loss (loss of encryption key, hacks (unauthorized access))

Regulators are trying to harmonize protections, which brings the crypto field closer to banking standards.

6. Smart contracts and automated financial services (DeFi)

DeFi offers:

- loans
- interest
- liquidity
- financial derivatives

All without bank intermediaries.

The major legal issue: who is responsible when something goes wrong?

Traditional banking regulations are difficult to apply to a decentralized ecosystem.

7. Taxation

Banks are an important channel for reporting income.

Cryptocurrencies bring challenges:

- declaring profits from transactions
- taxation of staking, yield and NFTs
- traceability of income in the absence of a controlled intermediary

Tax authorities are increasingly imposing rules inspired by banking practices.

As a corollary to the arguments made above, we would conclude that Banking Law and the world of cryptocurrencies inevitably intersect, as:

- cryptocurrencies take over banking functions, and
- banks adopt blockchain technology.

For the future, the trend is one of convergence and unified regulation, in which crypto services will be subject to rules similar to those in the banking sector, but adapted to their technological and decentralized nature.

7. Conclusions

The regulation of cryptocurrencies must pursue two fundamental objectives:

1. protecting investors, market stability, and
2. stimulating innovation and economic competitiveness.

The optimal approach does not consist in banning cryptocurrencies, but in integrating them into a clear and predictable legal framework. In this sense, transparency, mandatory auditing and compliance with KYC ("Know Your Customer") and AML ("Anti-Money Laundering") rules are essential tools. Also, the transition to more sustainable mechanisms, such as Proof of Stake (a consensus mechanism for validation), can reduce the environmental impact and increase the social acceptability of cryptocurrencies.

Cryptocurrencies and related technologies represent an essential stage in the evolution of the global financial system. They offer tremendous opportunities for innovation, efficiency and financial inclusion, but also significant risks that require a responsible approach. No one will be able to oppose technological progress and supremacy.

Digital and perhaps not even intended to, but we are talking about entities about which it is sometimes unclear who created them, who owns them and who manages them.

In order for these opportunities to be exploited sustainably, close collaboration is necessary between the technology sector, financial institutions, regulatory authorities and academia. Financial education, interdisciplinary research and the development of coherent public policies will be key elements for building a safe, transparent and fair ecosystem.

Finally, the success of cryptocurrencies will not be determined only by technological performance, but also by the regulatory effort to integrate them into a coherent and honest legislative environment. Reiterating, we would conclude that in the future, the trend is one of convergence and unified regulation, in which crypto services will be subject to rules similar to those in the banking sector, but adapted to their technological and decentralized character.

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Comparative Models of Taxpayer Protection: between Formalism and the Paradigm of Explicit Rights

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Motto:
"Any power that is not measured in relation to the human being loses its foundation."
(Mircea Vulcănescu)

Abstract: This study analyzes the limits of the exercise of state power in tax matters, highlighting the structural tension between the need to secure public revenues and the protection of taxpayers' rights. The research starts from the constitutional premises of taxation and examines the role of the principles of legality, proportionality, and legal certainty as mechanisms limiting fiscal imperium. Relevant case law of the Court of Justice of the European Union is analyzed, alongside contributions from European constitutional courts, in parallel with comparative models, particularly the American one, characterized by the explicit recognition of taxpayers' rights. The article also addresses the impact of the digitalization of tax administration on redefining the limits of state power. The main conclusion is that the legitimacy of modern taxation depends not only on the efficiency of revenue collection, but also on the ability of the legal system to ensure a genuine balance between authority and taxpayer protection.

Keywords: *tax law; state power; proportionality; legal certainty; taxpayer; CJEU case law; tax administration; digitalization; comparative law*

1. Introduction

Within the architecture of the modern state, taxation represents one of the most prominent manifestations of public authority, situated at the intersection between the need to finance public services and the protection of taxpayers' fundamental rights. Unlike other areas of public law, tax law involves a direct and immediate interference with an individual's assets, which amplifies the requirements for the legal legitimation of state intervention.

The evolution of financial and tax law has marked a significant transition from a traditional model, characterized by the subordination of the taxpayer to the tax authority, to a complex system in which the exercise of state power is conditioned by compliance with fundamental legal principles. The legality of taxation, proportionality of fiscal measures, and legal certainty are no longer mere theoretical benchmarks but constitute genuine limits of fiscal imperium, recognized both in domestic law and in European Union law.

In this context, the analysis of the limits of state power in tax matters acquires particular relevance, especially in light of accelerated legislative dynamics and the expansion of administrative control instruments. On the one hand, the state is called upon to ensure the resources necessary for its functioning and to combat phenomena such as tax evasion or aggressive tax planning. On the other hand, these objectives cannot justify an unlimited extension of fiscal prerogatives in the absence of effective mechanisms for taxpayer protection.

The European dimension of tax law significantly contributes to shaping these limits. The case law of the Court of Justice of the European Union has developed relevant standards regarding taxpayer protection, particularly in the field of value-added tax, establishing principles such as good faith, the right to be heard, and the protection of legitimate expectations. At the same time, national constitutional courts have intervened to curb potential excesses of the legislature or tax administration, thus consolidating a balanced legal framework.

At the same time, comparative analysis reveals the existence of distinct models regulating the relationship between the state and the taxpayer. While European systems rely predominantly on legal principles and judicial control, the American model stands out through the explicit recognition of taxpayers' rights, offering a different perspective on limiting fiscal power.

Last but not least, the transformations generated by the digitalization of tax administration require a reassessment of these limits. The use of advanced technologies for the collection and analysis of tax data creates opportunities to increase efficiency but also raises new issues concerning transparency, proportionality, and privacy protection.

Within this framework, the present study aims to analyze the limits of state power in tax matters from an integrative perspective, combining doctrinal, jurisprudential, and comparative analysis. The main objective is to highlight that the legitimacy of modern taxation does not derive exclusively from the need to collect public revenues, but from the ability of the legal system to maintain a real and functional balance between authority and taxpayers' rights.

2. Principles of Taxation and Limits of Power

Power implies a world that combines both chance and necessity, chaos and order (Toffler, 1995, p. 465). In a balanced financial law system, the state's power to tax is not absolute but circumscribed. While in pre-constitutional eras the fiscus represented the discretionary will of the sovereign, in the current paradigm it is limited by a set of constitutional and conventional barriers.

The first barrier is the principle of legality. The state cannot impose any tax burden in the absence of a law adopted by Parliament, this limit being intended to prevent "fiscal despotism." However, the limitation is not merely formal (the existence of a law), but also substantive: the law must be sufficiently precise so as not to leave room for administrative arbitrariness in its application (Romanian Constitutional Court Decision no. 139/2019).

A second fundamental limit is given by the right to property. Although the state has the right to "appropriate" part of the citizen's income in the form of taxes, such levies cannot be confiscatory in nature. A tax rate that would deprive property of its substance or make the taxpayer's subsistence impossible exceeds the limits of state power and becomes a de facto expropriation, prohibited by the Constitution (Bouvier, 2020, p. 215).

Finally, the limits of state power are also defined by the principle of proportionality. Any measure taken by the tax administration (for example, precautionary measures or enforcement actions) must be appropriate to the intended purpose and must not exceed what is necessary to ensure the payment of the claim. The state cannot "use a sledgehammer to crack a nut", disproportionately affecting the economic activity of the taxpayer (Costaș, 2021, p. 312).

3. Conditioning State Power in Tax Matters: between Public Necessity and Taxpayer Protection

Fiscal imperium and constitutional legitimacy. The state's power to impose and collect taxes represents one of the fundamental expressions of sovereignty. Without this prerogative, the functioning of public services and the achievement of the general interest would become impossible. However, in the contemporary rule of law, fiscal imperium can no longer be conceived as discretionary power, but as a legal competence limited by constitutional principles and supranational standards.

Doctrine has emphasized that taxation represents "the point of maximum tension between authority and freedom", as it directly affects the taxpayer's assets (BVerfG, 2008). This tension requires that the exercise of fiscal power be subject to clear limits: legality, proportionality, legal certainty, and non-discrimination. In the absence of such limits, taxation risks becoming an instrument of coercion rather than one of social solidarity.

Comparatively, in Western constitutional systems, this limitation of fiscal power is explicitly recognized. In Germany, for instance, the Federal Constitutional Court has developed consistent case law on taxpayer protection, emphasizing that the tax burden must not affect the "economic substance" of the individual. Thus, even in the presence of legitimate budgetary needs, the state cannot exceed a certain threshold of interference with the taxpayer's assets.

Proportionality: the balancing criterion. The principle of proportionality is the central instrument through which the balance between the state's fiscal interest and taxpayers' rights is achieved. It requires that any fiscal measure be appropriate, necessary, and proportionate to the intended objective.

An illustrative example is the case law of the CJEU in the field of VAT. In the Mahagében and Dávid case, the Court held that tax authorities cannot refuse the right of deduction based solely on general suspicions regarding the conduct of business partners, without demonstrating the taxpayer's involvement in fraud. This solution highlights that the fight against tax evasion, although legitimate, cannot justify disproportionate measures.

4. Legal Certainty and Legitimate Expectations

Another essential pillar in limiting state power is the principle of legal certainty, closely linked to the protection of legitimate expectations. Taxpayers must be able to foresee the fiscal consequences of their conduct and rely on the stability of the legal framework.

In practice, this principle is challenged by the frequency of legislative changes. Repeated amendments to tax regimes have generated situations where taxpayers were required to bear fiscal burdens that were unforeseeable at the time economic decisions were made. European case law has established, however, that legislative changes should not retroactively affect consolidated legal situations, except in exceptional circumstances.

5. Comparative Models

Comparative analysis highlights two distinct models of taxpayer protection: the continental European model, based on legal principles and judicial control, and the Anglo-Saxon model, characterized by the explicit recognition of taxpayers' rights.

The European model relies on general principles such as legality, proportionality, legal certainty, and legitimate expectations, developed primarily through case law.

The American model, by contrast, provides a clearer and more accessible structure through the Taxpayer Bill of Rights, adopted and implemented by the Internal Revenue Service (IRS).

This document explicitly enshrines fundamental rights such as:

- the right to be informed,

- the right to challenge the authority's decisions,
- the right to fair treatment,
- the right to confidentiality.

This approach transforms the fiscal relationship into a more transparent and predictable one.

6. Romania: a Hybrid Model between Normative and Practice. Digitalization

The Romanian system lies at the intersection of the two models. While the legal framework aligns with European standards, there is no single document systematizing taxpayers' rights in an accessible manner similar to the American model.

In practice, taxpayer protection largely depends on the individual's ability to use procedural mechanisms, which may create imbalances, particularly for those with limited resources.

Digitalization further complicates this landscape, introducing both efficiency gains and new challenges related to transparency, algorithmic decision-making, and data protection.

7. Conclusion. The State as Guarantor of Balance

Despite the emphasis on limiting state power, this power remains indispensable for the functioning of society. An inefficient tax system would lead to underfunding of public services and affect the general interest.

Therefore, the issue is not reducing state power, but exercising it within a balanced legal framework. The state is not merely the adversary of the taxpayer, but also the guarantor of a functional and fair tax system. In this perspective, the limits of fiscal power are not obstacles, but conditions of its legitimacy.

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The Impact of Economic Investments in Sports Performance and Social Inclusion in Central and Eastern Europe

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Abstract: Sport represents a strategic area of socio-economic development, playing an essential role both in promoting performance and in strengthening social cohesion. In the context of Central and Eastern Europe, economic investments directed towards sports infrastructure, educational programs, and community projects have generated visible transformations in terms of access to physical activities, athletic performance, and social inclusion. The paper analyzes the main financing mechanisms used at the regional level – from public resources and European funds to public–private partnerships – and their impact on the sustainable development of sport. Furthermore, case studies and best practices are presented to illustrate how well-targeted investments contribute to equal opportunities, the integration of vulnerable groups, and the promotion of an active lifestyle. Also, we wish to show how well-directed investments can contribute to equal opportunities, the integration of vulnerable groups, and the promotion of an active lifestyle. The results emphasize that well-directed economic investments not only stimulate sports performance but also strengthen social inclusion, offering Central and Eastern

Europe the opportunity to reduce disparities with other regions and to capitalize on sport as a vector of sustainable development and social cohesion.

Keywords: *sport, performance, social cohesion, Central and Eastern Europe*

J.E.L. Classifcations: L83, H54, R58

1. Introduction

In recent decades, sport has become a major area of interest not only from the perspective of athletic performance but also in terms of social and economic development. Particularly in Central and Eastern Europe, political and economic transitions have highlighted the importance of strategic investments in sports infrastructure, educational programs, and community initiatives as key factors driving social cohesion and regional progress.

Economic investments in sport are reflected not only in the achievements of elite athletes but also in the opportunities created for the broader population: access to physical activities, reduction of social inequalities, and promotion of a healthy lifestyle. At the same time, public policies and public–private partnerships have played a crucial role in shaping sustainable funding models designed to support both the development of elite sports and mass participation in sports.

In addition to economic investments, according to the specialized literature, certain modifiable lifestyle behaviors — such as nutrition, physical activity, leisure time management, and rest — can be considered risk factors for a reduced quality of life. Neglecting these fundamental dimensions cumulatively generates negative effects on both physical and mental health. Furthermore, self-care behaviors and personal resource management are influenced by individual psychological traits. (Ababei et.al., 2024).

Through its economic and financial implications — such as the continuously expanding sports equipment and technology industry, the enormous sums of money accumulated and managed by clubs and athletes, advertising, legal implications related to national and international regulations, political implications concerning competition between countries and national pride, cultural implications including mass media, spectators, and fandom, as well as health-related implications linked to the obsession with a healthy body — it can be asserted that sport today represents a major social phenomenon. This holds true for both developed and developing countries, even though the degree of consensus on this aspect is not equally high. (Barbu et al., 2020)

Economic investments play a crucial role in the development of sports infrastructure and in creating equal opportunities for participation. In Central and Eastern Europe, these investments can influence not only athletic performance but also the social inclusion of vulnerable groups. Currently, strongly influenced by the emergence of new capitalism, people are paying less attention to sport, which remains highly important both for the harmonious development of the individual and for promoting the image of a nation or a region. (Olescu & Sima, 2014).

Most countries in Central and Eastern Europe exhibit low levels of sports participation, limited innovation, and constrained social capital, particularly in the latter area. Nevertheless, economic investments in sports development can serve as an effective tool for enhancing athletic performance, strengthening social capital, and promoting social inclusion. Thus, strategically directed financial support can contribute not only to the sustainable and economic development of the region but also to increased social cohesion and community participation, highlighting the role of sport as a driver of social and economic progress. (Nałęcz et al., 2020).

Over the past five decades, sport has evolved from an elite activity to a mass practice, becoming a central component of individuals' daily lives. This transformation has been accompanied by processes such as governmental involvement, politicization, commercialization, and professionalization of sport, which have influenced the structure and organization of the European sports model. In the context of Central and Eastern Europe, these dynamics highlight how economic investments can impact both athletic performance and social inclusion, emphasizing the role of sport as a tool for social and economic development. (Kustec & Ličen, 2020).

A "double hurdle" lognormal model, applied to a sample of approximately 5,000 voluntary sports clubs (VSCs) from nine European countries, reveals significant effects at each level of analysis. In particular, positive managerial attitudes and public support — both financial and infrastructural — emerge as key factors in determining a VSC's adoption of special initiatives targeting specific groups. Moreover, differences were identified between the determinants of administrative initiatives and those of technical initiatives. These results suggest that economic investments and public policies not only influence athletic performance but also play a crucial role in promoting social inclusion within sports clubs in Central and Eastern Europe. (Corthouts et.al., 2020)

The study "Public and Private Sport Financing in Europe: The Impact of Financial Crisis" by Wladimir Andreff examines the structure of sport financing in Europe, highlighting four main pillars: household expenditures, local authority budgets, government sports budgets, and corporate funding (media and sponsors). The research updates a previous study from 1990, confirming that the structure of sport financing in Europe in 2005 remained largely similar, though with an improved methodology and an expanded sample of countries. Additionally, the study explores how the global financial crisis affected these funding sources and how different countries responded to these challenges. (Andreff, 2009).

For the study titled "The Impact of Economic Investments on Sports Performance and Social Inclusion in Central and Eastern Europe", it is relevant to emphasize that the financial structure of sport in Central and Eastern Europe is influenced by these four main pillars. Economic investments in sport can affect both athletic performance and social inclusion depending on how these funds are allocated and utilized. Furthermore, the impact of the financial crisis on sports funding in these countries provides valuable insights into how economic challenges influence sports and social development in the region.

This study aims to analyze the connection between economic support, sports performance, and its impact on social cohesion in the region, while also addressing key questions by examining the impact of economic investments on athletic performance and social inclusion in Central and Eastern Europe. The focus is on funding mechanisms, economic policies, and successful examples that can serve as benchmarks for future development strategies.

2. Materials and Methods

2.1. Research Objectives

This research aims to analyze the relationship between economic investments in the sports sector and national sports performance, as well as the impact of these investments on social inclusion in Central and Eastern European countries. The main objective of the study is to determine the extent to which public and private investments in sports infrastructure, mass sports support programs, and sports development policies contribute to enhancing international performance and strengthening social cohesion.

The specific objectives of the research are:

To analyze the level and structure of economic investments allocated to the sports sector during the period 2010–2024;

To evaluate sports performance at the national and regional levels using quantitative indicators (number of medals, participation in international competitions, world rankings);

To identify the relationships between economic investments and the level of social inclusion, considering population participation in sports activities and access to adequate infrastructure;

2.2. Geographical Area and Period Analyzed

The research focuses on countries in Central and Eastern Europe, a region characterized by complex economic and social dynamics, as well as significant differences in sports-related investments. The countries analyzed are: Romania, Poland, Hungary, Czech Republic, Slovakia, Bulgaria, Slovenia, Croatia, Estonia, Latvia, and Lithuania.

The selected period of analysis is 2010–2024, which allows for capturing post-2008 economic crisis developments, the effects of European structural fund integration, and the transformations driven by new national strategies regarding sport and social inclusion.

The data used in this research come from both official statistical sources and academic studies and institutional documents. The main sources include: Ministries of Sport and National Olympic Committees, academic databases (Scopus, Google Scholar), and Eurostat.

2.3. *Research Methods*

The research adopts a mixed-methods approach, combining quantitative and qualitative methods to provide a comprehensive perspective on the phenomenon under study. The quantitative analysis aims to examine the statistical relationships between economic investments and sports performance, as well as between economic investments and social inclusion. For this purpose, economic indicators (GDP, sports investments, public expenditures), sports indicators (number of Olympic medals, international rankings, participation in major competitions), and social indicators (participation rates in sports activities, youth employment, level of social inclusion) were collected and processed. In addition to the statistical analysis, the research includes a qualitative analysis based on case studies of Central and Eastern European countries. These countries were selected for the diversity of their funding models and their regional sporting relevance. The qualitative analysis involved evaluating national strategic documents, reports on the implementation of sports programs, and interviews with experts in public policy and sports management. By combining quantitative and qualitative data, the study aimed to validate the results and obtain an integrated understanding of the impact of economic investments on performance and social inclusion.

3. Results and Discussion

In Poland, economic investments in sport have been significant, both through the national budget and European funds allocated to infrastructure and educational programs. This has enabled the development of sports complexes and youth-oriented programs, resulting in a visible increase in sports performance, particularly in team and individual sports. Simultaneously, Poland has expanded access to sport in schools and local communities, enhancing social inclusion and providing opportunities for young people from rural or disadvantaged areas.

In the Czech Republic, public investments in sport are moderate, but private involvement through sponsorships plays a significant role. This has contributed to notable performances in sports such as ice hockey, tennis, and athletics. Additionally, community programs partially funded by the state provide access for youth from less advantaged backgrounds to sports activities. A relevant example is the "Sport for All" project, which offers sports facilities and recreational initiatives in small towns and suburban areas.

Hungary represents a model of excellence in the region due to massive investments in Olympic infrastructure and training facilities for elite athletes. The results are evident in Olympic sports such as swimming, rowing, and gymnastics. At the same time, funded programs promote public health and social inclusion, providing access to sport for children and youth from disadvantaged communities. Hungary's centers of excellence clearly demonstrate how strategic investments can combine performance with social inclusion.

In Romania, the situation is more complex. Sports budgets have been relatively limited, although recent progress has been made through public–private partnerships. Athletic performance remains strong in traditional disciplines such as gymnastics and athletics, but inadequate infrastructure hampers the development of other sports. Access to sport is limited in rural areas, yet local initiatives and NGO-led projects help support social inclusion. Examples include regional school sports programs and community centers.

Slovakia invests moderately in sport, focusing on winter sports and ice hockey. Performance is strong in these disciplines, while community projects help expand sports activities in both urban and rural areas. Recreational sports and community clubs contribute to social inclusion by facilitating participation for children and youth from diverse social backgrounds.

Slovenia, although a small country in terms of population, stands out for its strategic and efficient investments, including European funds, which have generated exceptional sports performance in disciplines such as handball, basketball, and athletics. At the same time, access to mass sport is widespread, and initiatives for the inclusion of children and youth are well-structured, demonstrating how well-targeted investments can produce significant results in both performance and social cohesion.

Bulgaria demonstrates a significant correlation between the level of economic investments and improvements in sports performance, both at the individual and institutional levels. Increased funding for infrastructure and athlete development programs has contributed not only to better results in international competitions but also to the promotion of social inclusion through expanded access to sports activities for various social groups.

Croatia stands out for the fact that consistent economic investments in sports infrastructure and athlete development have played a crucial role in enhancing international sports performance. The success of national teams, particularly in football, is the result of a well-coordinated funding strategy and strong support from local communities. At the same time, sport has become an important driver of social inclusion, contributing to youth integration and strengthening social cohesion in the Croatian context.

Estonia demonstrates that well-targeted economic investments in sport have significantly contributed to modernizing infrastructure and enhancing sports performance, particularly in disciplines such as athletics and winter sports. Financial support policies and the digitalization of sports management have facilitated broader population participation in physical activities, while also promoting social inclusion.

Lithuania demonstrates that sustained economic investments in sport, particularly in basketball — the national sport — have had a major impact on both sports performance and social cohesion. Public and private funding programs have contributed to the development of modern infrastructure and the promotion of youth participation in sports activities. Thus, the Lithuanian model shows how strategic investments in sport can foster not only competitive excellence but also social inclusion and national pride.

Latvia demonstrates that economic investments aimed at developing sports infrastructure and supporting elite athletes have had a positive effect on international results and on population participation in physical activities. Traditional sports, such as ice hockey and basketball, have benefited the most from these funds, becoming symbols of national identity. Therefore, economic investments in sport contribute not only to enhancing performance but also to strengthening social inclusion and community spirit in Latvia.

Table 1. Comparative Table of Key Central and Eastern European Countries

Country	Key Sports Focus	Level of Economic Investment	Main types of investments	International Performance
Poland	Football, Athletics, Handball, Ice Hockey, Tennis	High	Stadiums, youth academies, Olympic training centers, competitive domestic leagues, participation in international competitions	Increasing
Czech Republic	Ice Hockey, Football, Tennis, Gymnastics, Athletics	Moderate	Ice hockey rinks, tennis academies, junior training centers, regional sports centers, support for top coaches	Important
Slovakia	Ice Hockey, Football, Athletics, Handball	Moderate	Infrastructure for hockey and handball, youth academies, participation in international championships, Olympic centers	High in winter sports
Hungary	Football, Athletics, Handball, Gymnastics	Very high	Professional clubs, junior training centers, school programs, Olympic centers	Very good
Romania	Football, Gymnastics, Handball, Athletics, Wrestling	Moderate	Football academies, gymnastics centers, school sports programs, wrestling and athletics centers, support for elite athletes	Good in individual sports (athletics, gymnastics, weightlifting)
Bulgaria	Football, Volleyball, Gymnastics, Weightlifting, Athletics, Wrestling	Moderate	Training centers for gymnastics and weightlifting, football academies, participation in international competitions, programs for talented youth	Very good
Slovenia	Ice Hockey, Football, Alpine Skiing, Gymnastics, Athletics	High	Hockey fields, football academies, winter sports centers, sports centers for gymnastics and athletics, participation in international competitions	Very good
Croatia	Football, Handball, Athletics, Gymnastics, Tennis	Consistent	Football academies, handball centers, Olympic centers, tennis academies, participation in international competitions	Very good
Estonia	Athletics, Ice Hockey, Gymnastics, Cross-Country Skiing	High	Regional Sports Centers, Participation in International Competitions, Programs for Young Athletes	Growing

Country	Key Sports Focus	Level of Economic Investment	Main types of investments	International Performance
Latvia	Ice Hockey, Gymnastics, Athletics, Cross-Country Skiing	High	Hockey fields, sports centers for athletics and gymnastics, participation in international competitions	Very good
Lithuania	Basketball, Ice Hockey, Gymnastics, Athletics	High	Basketball centers, athletics and gymnastics centers, participation in international competitions	Good

The table above highlights the diversity of sports profiles and investment directions in Central and Eastern European countries, emphasizing how each state allocates its resources according to national traditions and priorities. It can be observed that football and athletics are the dominant sports in almost all the analyzed countries, being the main areas that attract significant investments in infrastructure and the training of young athletes. Countries such as Poland, Hungary, and Croatia focus on developing youth academies and Olympic centers, reflecting a long-term performance-building strategy.

In contrast, the Czech Republic, Slovakia, and Slovenia invest significantly in traditional sports such as ice hockey and gymnastics, through the development of regional training centers and programs for elite coaches. Romania and Bulgaria stand out for their support of individual performance sports (gymnastics, wrestling, weightlifting), as well as for expanding school sports programs aimed at broadening the talent pool.

The Baltic countries – Estonia, Latvia, and Lithuania – focus on winter sports and athletics, emphasizing international participation and the development of regional centers for young athletes. Estonia has invested in the digitalization of training and technology-based sports (e-sports, indoor cycling, biometric monitoring), Lithuania has made significant investments in basketball, its national sport, as well as in school infrastructure, while Latvia focuses on programs for the development of ice hockey and urban infrastructure for mass sports.

The research emphasizes that investments in sports infrastructure and community programs can reduce social inequalities and stimulate population participation in physical activities. The discussions in the paper highlight significant differences among countries in the region regarding the prioritization of sport as a tool for social and economic policy.

The work of Suhrcke, Rocco, and McKee (2007) concludes that population health is an essential factor for sustainable economic development in Eastern Europe and Central Asia. The authors emphasize that investments in health are not merely a social cost but a strategic investment that increases productivity, reduces inequalities, and stimulates long-term economic growth. (Suhrcke et al., 2007).

To increase the attractiveness of training sessions or physical education lessons, the use of dynamic games for beginner children, aimed at teaching the fundamental elements of running, is essential. The authors concluded that integrating these games stimulates motivation, active engagement, and the proper development of motor skills specific to running at an early age. (Gorgan et al., 2023).

Faragó (2024) concludes that cities in Central and Eastern Europe that consistently invest in sports infrastructure, international events, and sports-supportive policies achieve higher levels of urban competitiveness. The author also highlights that sport becomes a strategic factor for economic development and for increasing urban attractiveness in the context of regional competition. (Faragó, 2024).

The article by Les and Jeliazkova (2007) discusses the role of the social economy in promoting social inclusion and cohesion in Central and Southeast Europe, in the context of the post-communist transition. The authors highlight that social economy organizations — such as cooperatives, associations, and foundations — contribute significantly to job creation, the integration of vulnerable groups, and sustainable local development. Overall, the study emphasizes the need to support public policies that strengthen this sector as a pillar of a more equitable and participatory economy. (Les & Jeliazkova, 2007).

Overall, investments in team and individual sports in Central and Eastern Europe reflect different but complementary national strategies. Countries with stronger economies tend to prioritize team sports, which have a direct economic impact, while states with established traditions in individual sports continue to invest in elite athlete excellence.

An integrated approach that leverages the advantages of both types of investments is essential for the sustainable development of the sports sector and for achieving social inclusion objectives at the regional level.

4. Conclusions

Investments in the sports sector in Central and Eastern European countries reflect notable differences between team and individual sports, both in terms of funding sources and resource allocation. This differentiation is driven by economic, cultural, and strategic factors, as well as by the way sport is perceived as a driver of performance, national identity, and social inclusion.

Team sports — such as football, handball, basketball, and ice hockey — represent the main investment priorities in most of the analyzed countries. These sports benefit from high public visibility, generating audiences, sponsorships, and revenue from sports marketing. Consequently, investments focus on large-scale infrastructure, professional clubs, and youth academies, which ensure the development of future generations of athletes.

Countries such as Poland, Hungary, and Croatia provide relevant examples: Poland has made massive investments in modernizing stadiums and creating competitive domestic leagues, while Hungary has developed an extensive network of professional clubs and training centers for team sports. Croatia, recognized for its tradition in football and handball, has directed significant funds toward sports infrastructure and supporting participation in international competitions. Economically, team sports generate important multiplier effects, stimulating the entertainment industry, sports tourism, and the consumption of related products (equipment, television rights, advertising). At the same time, they contribute to social cohesion and the strengthening of national identity, playing an integrative role, especially in urban contexts.

In contrast, individual sports — such as gymnastics, athletics, wrestling, weightlifting, and skiing — attract more specialized and targeted investments, focused on performance and individual excellence. Countries such as Romania, Bulgaria, and Slovenia have developed strong traditions in these areas, supporting their athletes through national training centers, integrated educational programs, and participation in international competitions.

Investments in individual sports generally target the quality of training and personalized athlete development, rather than mass infrastructure. Thus, resources are directed toward Olympic training centers, performance laboratories, support for coaches and sports physicians, as well as programs for talented young athletes. Although the immediate economic return of these investments is lower compared to team sports, they have a significant symbolic and reputational impact. Individual athletes' international success (e.g., Olympic medals, world records) contributes to promoting the country's image and inspiring the younger population, thereby playing an indirect role in social inclusion and the promotion of an active lifestyle.

By comparison, team sports require larger investments but offer direct economic benefits (through audiences, sponsorships, and marketing), whereas individual sports involve smaller investments but provide deeper symbolic and educational benefits. Team sports contribute more strongly to community integration and collective participation, while individual sports promote self-discipline, merit, and personal excellence.

From the perspective of social inclusion, team sports have the advantage of creating spaces for interaction and collaboration between individuals, reducing socio-economic and cultural barriers. On the other hand, individual sports promote integration through performance and personal recognition, providing role models that can inspire young people from disadvantaged backgrounds. This complementarity suggests that a balanced sports policy should combine investments in collective infrastructure (fields, stadiums, community centers) with support directed toward individual performance, through funding for specialized training and centers of excellence.

The study's conclusions suggest that a coherent sports investment strategy can contribute not only to performance but also to strengthening social cohesion and the sustainable development of local communities.

As final conclusions, we can state that economic investments are a decisive factor in enhancing sports performance in Central and Eastern Europe, influencing both international competitive results and the development of infrastructure and programs for athletes. Countries that have strategically allocated funds for elite sports, modern infrastructure, and youth training have managed to achieve more consistent results and increase the international visibility of their sports.

The impact of investments on social inclusion is equally significant: funding sports contributes to equal access to physical activities, the integration of young people and disadvantaged communities, and the strengthening of social cohesion. Thus, economic policies oriented toward sport become effective tools not only for performance but also for the harmonious and equitable development of society in the region.

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Human Capital and Leadership Competencies – Key Factors for the Success of Regional Investments and Cross-Border Cooperation

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Abstract: This paper analyzes the role of human capital and leadership competencies in the success of regional projects and cross-border cooperation, particularly in the context of Central and Eastern Europe. The study is based on qualitative research conducted through 12 semi-structured interviews with leaders involved in regional development projects. The findings highlight the importance of soft skills such as emotional intelligence, intercultural communication, resilience, and conflict management abilities. In addition, female leadership stands out through its capacity to strengthen trust and cohesion within international teams. By integrating these perspectives, the study proposes a strategic approach focused on human capital development as a decisive factor for the success of cross-border cooperation and regional investments.

Keywords: human capital, leadership, *cross-border cooperation, female leadership, regional development*

J.E.L. Classifications: J24, R58, M12

1. Introduction

Cross-border cooperation represents a central element of regional development in Central and Eastern Europe. In a context characterized by cultural diversity, institutional differences, and varying economic dynamics, leadership practices become determining factors for the success of international projects. An increasing number of studies indicate that investments in infrastructure, technology, and legal mechanisms are insufficient in the absence of human capital capable of managing the complexity of transnational collaboration.

The aim of this paper is to analyze how leadership competencies, particularly female leadership, support cohesion, adaptability, and performance within teams involved in regional projects. The arguments of the paper are grounded in empirical qualitative research, complemented by an analysis of the relevant academic literature.

2. Theoretical Framework

The concept of human capital was developed to describe the set of knowledge, skills, experiences, and values that contribute to productivity and adaptability within organizations. In the context of cross-border projects, human capital also includes the ability to navigate cultural differences, build trust, and maintain collaboration under conditions of uncertainty.

Modern leadership goes beyond the traditional model centered on authority and control. Contemporary approaches emphasize emotional intelligence, intercultural communication, and resilience. Female leadership is consistently associated with collaborative styles oriented toward consensus and relationship development. These characteristics become essential in international projects, where trust represents the foundation of effective cooperation.

3. Methodology

The study employs a qualitative methodology based on 12 semi-structured interviews with leaders from Romania, Hungary, and Slovakia. Participants come from sectors such as public administration, IT, energy, and education. The interviews aimed to identify competencies perceived as critical for the success of cross-border cooperation. Thematic analysis was used to identify recurring patterns and meanings in participants' narratives.

The main limitations of the study include the small sample size and the subjective nature of participants' self-assessments.

4. Analysis and Results

The analysis of data obtained from the 12 semi-structured interviews was conducted using thematic analysis, following the model proposed by Braun and Clarke (2006). This approach enabled the identification of recurring patterns in participants' discourse, highlighting their perceptions of leadership competencies required in the context of cross-border cooperation and complex regional projects.

Following the coding and interpretation process, three major themes were identified: (1) trust as the relational infrastructure of cross-border cooperation, (2) the role of soft skills in transnational coordination and communication, and (3) the impact of female leadership on the cohesion and performance of international teams.

4.1. Trust as the Relational Infrastructure of Cross-Border Cooperation

The first major theme revealed by the analysis is the central role of trust in the effective functioning of cross-border projects. Participants described trust not merely as a relational value, but as an "invisible infrastructure" that supports decision-making processes, inter-institutional collaboration, and the management of uncertainty.

Interviewed leaders emphasized that in contexts characterized by cultural, linguistic, and institutional differences, the absence of trust can generate significant blockages, even when well-defined formal frameworks exist. In this sense, human capital is not perceived exclusively through technical competencies, but primarily through leaders' ability to build stable and predictable relationships.

Several participants noted that trust develops progressively through consistency, decision-making transparency, and accountability. This relational dimension becomes essential in regional projects, where success often depends on voluntary cooperation and the alignment of interests among diverse stakeholders.

4.2. The Role of Soft Skills in Transnational Coordination and Communication

The second major theme refers to the importance of soft skills in managing transnational teams and processes. The interview analysis indicates that emotional intelligence, intercultural communication, and conflict management abilities are perceived as more relevant than technical skills in the context of cross-border cooperation.

Participants highlighted that cultural differences influence communication styles, attitudes toward authority, and the pace of decision-making processes. In this context, effective leaders are those who demonstrate cognitive and emotional flexibility, adapting their behaviors to the cultural specificities of the partners involved.

"In international projects, the way you communicate can make the difference between progress and stagnation." (Participant 4)

Resilience was also frequently mentioned as an essential competency, particularly in relation to administrative pressures, bureaucratic delays, and frequent contextual changes. Leaders' ability to maintain team coherence and long-term motivation is perceived as a determining factor for project sustainability.

4.3. The Impact of Female Leadership on the Cohesion of International Teams

The third major theme addresses the impact of female leadership on the dynamics of international teams. Participants consistently associated female leadership with collaborative leadership styles focused on relationships, empathy, and dialogue facilitation.

The findings indicate that female leaders are perceived as having a greater capacity to manage interpersonal tensions and to create a climate of psychological safety within multicultural teams. This approach contributes to reducing latent conflicts and strengthening group cohesion.

"Female leaders have a higher capacity to manage team tensions without escalating conflict." (Participant 9).

The analysis suggests that these characteristics are not exclusive gender traits, but rather reflect a set of relational and emotional competencies more frequently associated with female leadership styles described in the literature. In the context of cross-border cooperation, these competencies become strategic advantages, contributing to team stability and performance.

4.4. Synthesis of Identified Leadership Competencies

The synthesis of results is presented in Table 1, which highlights the frequency and level of importance attributed to the main leadership competencies identified by participants. Emotional intelligence and intercultural communication emerge as critical competencies, followed by resilience and collaborative abilities.

These findings confirm that the success of regional projects and cross-border cooperation is closely linked to the quality of human capital and leadership styles, rather than solely to material resources or formal structures.

5. Discussions

The results of the study are consistent with the international literature, which emphasizes the growing role of soft skills in complex and intercultural environments. Female leadership is confirmed as a key factor in the development of a sustainable collaborative climate.

6. Conclusions

Human capital and leadership represent fundamental components for the success of cross-border cooperation. The development of soft skills and the promotion of female leadership are recommended strategies for strengthening regional projects and stimulating innovation.

Table 1. Identified Leadership Competencies. *Source: Author's analysis.*

Competency	Frequency	Importance
Emotional intelligence	12/12	Very high
Intercultural communication	11/12	High
Resilience	10/12	High
Collaborative abilities	9/12	Moderate to high
Conflict management	8/12	Moderate

The role of female leadership in international teams, as revealed by the data analysis, is reflected in an enhanced capacity to facilitate dialogue, manage intercultural tensions, and strengthen group cohesion. Female leadership contributes to the creation of a climate of psychological safety, encouraging active participation, responsibility-taking, and long-term collaboration. These characteristics transform female leadership into a strategic advantage within cross-border projects, where interpersonal relationships and mutual trust are essential for performance and sustainability.

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Enhancing Customer Support and E-Commerce in Small and Medium Enterprises through AI Integration: Measurable Results, Challenges, and Strategic Implications

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Abstract: Small and medium-sized enterprises (SMEs) operating in e-commerce environments face increasing pressure to provide rapid and continuous customer support despite limited resources. Artificial intelligence (AI) chatbots have emerged as a potential solution by automating routine customer interactions and improving service responsiveness. However, empirical evidence on the operational impact of chatbot adoption in SMEs remains limited. This study examines the implementation of an AI-driven chatbot in a B2C e-commerce SME using a quasi-experimental case study design. Customer support data from March 2023 (human support) and March 2024 (AI-supported service) were compared across key operational metrics, including response time, chat duration, missed chats, and support costs. The results indicate substantial improvements in service efficiency following AI adoption. Response times decreased from minutes to seconds, missed chats were eliminated due to the chatbot's ability to manage multiple simultaneous conversations, and operational costs were significantly reduced. A manual evaluation of chatbot interactions also revealed generally high response accuracy, with most errors linked to limited access to personalized user data. The findings suggest that AI chatbots can significantly enhance customer support efficiency and scalability in SME e-commerce environments, while also highlighting the continued importance of human oversight and data integration.

Keywords: *AI; SMEs; customer support; e-commerce; operational efficiency; financial performance; legal implications; case study.*

J.E.L. Classifications: L20, L26

1. Introduction

Small and medium-sized enterprises (SMEs) increasingly operate in digital environments characterized by intense competition and rapidly evolving customer expectations. In e-commerce markets, consumers expect immediate responses, continuous availability of support services, and personalized interaction throughout the purchasing process. Meeting these expectations poses a significant challenge for SMEs, which often operate with limited human resources and constrained operational budgets. As a result, customer service operations have become a critical determinant of competitiveness in online markets.

Recent advances in artificial intelligence (AI), particularly in the development of conversational agents and AI-driven chatbots, offer new opportunities for SMEs to improve customer support efficiency while controlling operational costs. AI-based customer service systems can automate routine inquiries, provide instant responses to users, and operate continuously without the limitations associated with human support teams. Industry reports indicate that AI-driven customer service systems can reduce operational costs while simultaneously improving responsiveness and scalability in customer interaction processes. These capabilities make AI-enabled chatbots particularly attractive for SMEs seeking to enhance service quality without substantial increases in staffing costs.

The growing adoption of AI technologies in e-commerce has generated significant academic interest. Prior research has examined the role of artificial intelligence in improving operational efficiency, enabling personalized marketing strategies, and supporting data-driven decision-making in digital businesses. In particular, AI-powered chatbots have been studied as tools for automating customer support interactions and enhancing customer experience in online environments. Empirical studies demonstrate that conversational agents can successfully handle a large share of routine customer inquiries, thereby allowing human agents to focus on more complex interactions requiring empathy or specialized knowledge.

Despite this growing body of research, several important gaps remain in the existing literature. First, most empirical studies examining AI-driven customer service focus on large enterprises or technology-intensive organizations, while relatively little empirical evidence exists regarding the practical outcomes of AI implementation within SMEs. SMEs operate under different constraints compared with large corporations, including limited financial resources, smaller customer service teams, and less sophisticated technological infrastructure. Consequently, findings derived from large organizations cannot necessarily be generalized to SME contexts.

Second, existing research frequently emphasizes conceptual frameworks or theoretical discussions regarding AI adoption in e-commerce, while empirical evidence measuring the operational outcomes of chatbot implementation remains limited. In particular, few studies provide direct comparisons of customer support performance before and after the introduction of AI solutions in real-world business settings. Such comparative empirical analysis is essential for understanding the measurable operational and financial impacts of AI adoption.

Third, while the technical capabilities of conversational AI have received considerable attention, the broader organizational and managerial implications of chatbot implementation for SMEs remain underexplored. In addition to operational efficiency, AI adoption may influence cost structures, workforce allocation, customer experience, and potential legal risks associated with automated responses in customer interactions.

To address these gaps, this study investigates the implementation of an AI-powered chatbot within a B2C e-commerce SME and evaluates its impact on customer support operations. Using a quasi-experimental case study design, the study compares customer support performance metrics from two comparable time periods: a baseline period during which customer support was provided exclusively by a human specialist, and a subsequent period following the deployment of an AI-driven chatbot. The analysis focuses on key operational indicators including response time, chat duration, missed chats, and customer interaction volume, as well as financial implications associated with customer support costs.

By examining a real-world deployment of conversational AI within an SME environment, this research contributes to the literature in several ways. First, it provides empirical evidence on the operational effectiveness of AI chatbots in small business customer support contexts. Second, it offers a comparative analysis of human-led and AI-driven customer service performance using measurable operational metrics. Third, the study discusses managerial and organizational implications of AI adoption in SMEs, including efficiency gains, cost savings, and the role of hybrid human-AI service models.

The findings provide practical insights for SME managers considering AI adoption in customer service operations, while also contributing to academic discussions on digital transformation and technology adoption in small business environments.

To guide the empirical investigation, the study addresses the following research questions:

RQ1: How does the integration of an AI chatbot affect key customer support performance metrics in an e-commerce SME compared with human-led customer support?

RQ2: What operational and financial benefits can SMEs obtain through the adoption of AI-driven customer support systems?

RQ3: What limitations and challenges emerge in the real-world deployment of AI chatbots in SME customer service environments?

2. Literature Review

Artificial Intelligence (AI) has emerged as a key driver of digital transformation in e-commerce environments. AI technologies enable firms to automate operational processes, analyze large volumes of consumer data, and deliver highly personalized customer experiences. In online retail environments, AI applications include recommendation systems, dynamic pricing, demand forecasting, fraud detection, and automated customer support systems (Mariani, Hashemi, & Wirtz, 2023), (Wang, 2025).

For small and medium-sized enterprises (SMEs), AI adoption presents both opportunities and challenges. SMEs often face structural constraints such as limited human resources, financial limitations, and lower technological capabilities compared with large corporations. However, digital technologies — including AI — allow SMEs to overcome some of these structural disadvantages by automating routine tasks and improving operational efficiency (Odeyemi, 2024) (Rashid & Kausik, 2024).

Recent empirical studies suggest that AI adoption can significantly enhance business performance. For example, AI-driven analytics has been associated with improvements in sales conversion rates, customer personalization, and operational efficiency. Organizations that integrate AI into their business processes report higher levels of productivity and improved responsiveness to customer needs (PwC, 2023). In e-commerce contexts, AI tools enable firms to process large volumes of data and respond to customer behavior in real time, allowing SMEs to compete more effectively in digital markets.

In addition to operational benefits, AI technologies enable SMEs to scale their business activities without proportional increases in labor costs. Automation allows organizations to manage growing volumes of customer interactions while maintaining consistent service quality. This scalability is particularly important for SMEs operating in online markets where customer demand may fluctuate significantly over time.

Despite these advantages, AI adoption in SMEs remains uneven. Many small businesses lack the technical expertise required to implement advanced AI systems or the financial capacity to develop proprietary solutions. As a result, many SMEs rely on cloud-based or Software-as-a-Service (SaaS) AI solutions that provide accessible and cost-effective technological capabilities without requiring substantial upfront investments.

One of the most widely adopted AI applications in digital business environments is the use of conversational agents, commonly referred to as chatbots. AI-powered chatbots are automated systems capable of interacting with users through natural language interfaces. These systems can answer customer questions, provide product information, assist with purchasing decisions, and support post-purchase customer service interactions (Adam, Wessel, & Benlian, 2021).

In customer service operations, chatbots can significantly improve response speed and service availability. Unlike human agents, AI systems can operate continuously without time limitations, allowing firms to provide customer support 24 hours a day. Furthermore, chatbots can manage multiple conversations simultaneously, reducing waiting times and increasing the efficiency of customer support processes (Mathagu, 2024).

Several studies highlight the growing importance of conversational AI in digital customer service environments. Conversational agents can handle a large proportion of routine customer inquiries, including questions related to product information, order tracking, or account access. By automating these interactions, organizations can reduce the workload of human support agents and allocate human resources to more complex customer issues that require empathy, negotiation, or specialized expertise (Chau, Ngo, Bui, & Tran, 2025).

Empirical research also indicates that chatbot implementation can improve operational performance metrics. These improvements include reduced response times, lower service costs, and increased customer service scalability. AI chatbots are capable of handling large volumes of repetitive inquiries, allowing firms to maintain service levels even during peak demand periods.

However, the effectiveness of AI-driven customer support systems depends heavily on the quality of training data and the integration of the chatbot with internal information systems. Chatbots trained on limited datasets or lacking access to relevant customer information may provide incomplete or inaccurate responses. These limitations highlight the importance of continuous system training and the integration of AI systems with organizational knowledge bases.

Customer service quality plays a critical role in shaping customer satisfaction and loyalty in e-commerce environments. Previous research emphasizes that service quality dimensions — including responsiveness, reliability, assurance, and empathy — strongly influence customer perceptions and purchasing behavior (Jiang, Jun, & Yang, 2015).

In online retail contexts, responsiveness has become one of the most important determinants of customer satisfaction. Customers increasingly expect immediate responses to inquiries, particularly during the purchasing process. Delays in customer support can negatively influence purchasing decisions and lead to customer attrition. Consequently, the speed and availability of customer service interactions have become key competitive factors in digital markets. (Alasa, Hossain, Jiyane, Sarwer, & Saha, 2025)

AI technologies have the potential to directly influence several dimensions of service quality. By providing instant responses and continuous availability, chatbots improve responsiveness and accessibility in customer support systems. Automated systems also offer consistent service delivery, reducing the variability that may occur in human-based support operations.

At the same time, the increasing automation of customer service raises questions about the role of human interaction in service quality. While AI systems can efficiently manage routine interactions, complex customer situations may still require human intervention. As a result, many organizations adopt hybrid customer service models in which AI systems manage initial interactions while human agents handle escalated or complex cases (Fu, Yang, & Han, 2021).

Although AI technologies offer significant benefits for customer support operations, their implementation also introduces several challenges. One important issue concerns the accuracy and reliability of AI-generated responses. In situations where AI systems provide incorrect information to customers, organizations may face reputational risks and potential legal liabilities.

Data access limitations represent another important challenge for AI systems. Effective chatbot performance often depends on access to customer data and internal organizational information. However, privacy regulations and technical constraints may limit the ability of AI systems to access personalized data. As a result, AI systems may struggle to provide context-specific responses in situations requiring detailed knowledge of individual customer accounts.

In addition to technical challenges, organizations must also consider ethical and regulatory issues associated with AI deployment. Data protection regulations such as the General Data Protection Regulation (GDPR) impose strict requirements regarding the handling of personal data. Companies implementing AI-driven systems must ensure that customer data is processed in compliance with relevant legal frameworks.

These challenges highlight the importance of implementing AI technologies within carefully designed organizational frameworks. Successful AI adoption requires not only technological capability but also appropriate governance mechanisms, employee training, and data management practices.

While existing research demonstrates the potential benefits of AI in customer service and e-commerce operations, several limitations remain in the current literature.

First, much of the existing empirical research focuses on large organizations or theoretical frameworks, while relatively few studies examine real-world AI deployments within SMEs. SMEs operate under different resource constraints and technological capabilities compared with large enterprises, making it necessary to examine AI implementation within these specific contexts.

Second, existing studies often rely on conceptual discussions or survey-based analyses rather than operational performance data. There is limited empirical evidence comparing measurable performance indicators before and after the implementation of AI-driven customer support systems.

Third, research examining chatbot implementation often focuses on technological performance rather than broader business implications. Issues such as operational efficiency, cost reduction, service scalability, and potential risks associated with AI-generated responses remain underexplored in empirical SME contexts.

To address these gaps, this study provides a comparative empirical analysis of customer support performance before and after the implementation of an AI chatbot in a B2C e-commerce SME. By analyzing operational metrics including response times, chat duration, missed interactions, and support costs, the research provides evidence regarding the practical effectiveness of AI-driven customer support in small business environments.

3. Research Methodology

This study adopts a quasi-experimental case study design to evaluate the impact of Artificial Intelligence (AI) chatbot implementation on customer support operations within a Small and Medium-sized Enterprise (SME). A quasi-experimental approach was selected because the intervention — the introduction of an AI chatbot — occurred within a real operational environment where randomized experimental control was not feasible.

The research design follows a before-and-after comparative framework, analyzing customer support performance metrics during two comparable time periods: a baseline period in which customer support was provided exclusively by a human specialist (March 2023) and a post-implementation period following the deployment of an AI chatbot (March 2024). By comparing these two periods, the study aims to identify measurable differences in operational performance attributable to the implementation of AI-driven customer support.

Case study research is particularly appropriate for investigating emerging technologies within real-world organizational contexts, as it allows researchers to examine operational processes and performance outcomes in detail. In the context of SMEs, where large-scale experimental datasets are often unavailable, case studies provide valuable insights into the practical implications of technological innovation.

The empirical study was conducted within a B2C e-commerce SME specializing in digital educational products, specifically online courses. The company operates entirely through digital channels and maintains a user base of approximately 11,000 registered users.

Customer support interactions occur primarily through an integrated website chat interface, which allows users to contact the company during the purchasing process or when accessing digital products. Because the company offers scheduled online courses, customer support demand tends to increase during periods when courses are active or approaching start dates.

The organization was selected for the study because it recently implemented an AI-powered chatbot for customer support operations. This implementation created an opportunity to compare operational performance before and after the introduction of AI support within the same organizational environment.

The company implemented a chatbot-based customer support solution using a Software-as-a-Service (SaaS) platform (tawk.to). This solution was selected primarily due to its affordability and ease of integration with the company's existing website infrastructure.

Unlike large enterprises that may develop proprietary AI systems, SMEs often rely on SaaS platforms to access AI functionality without substantial development costs. The chatbot system allows automated interaction with website visitors through natural language conversations and is capable of answering common customer questions, providing product information, and assisting users with navigation of the website.

The AI assistant used in this study was named “Mihai”.

The chatbot was trained using multiple information sources, including historical customer support conversations, publicly accessible website content, internal knowledge base documentation and manual corrections and supervised training.

The training process involved categorizing previous customer inquiries and feeding this information into the chatbot's knowledge base. During the initial deployment phase, incorrect responses were manually corrected and added to the chatbot training dataset in order to improve performance.

To reduce potential risks associated with incorrect automated responses, escalation triggers were implemented. These triggers automatically transferred conversations to a human specialist in cases involving billing or invoicing issues, direct requests for human assistance or complex or sensitive inquiries

This hybrid approach ensured that automated responses were used primarily for routine customer inquiries while maintaining human oversight for critical interactions.

Data for the study were collected from two primary sources:

1. Customer support records from March 2023, when all customer interactions were handled by a human support specialist.

2. Chatbot interaction logs from March 2024, after the implementation of the AI chatbot.

These two datasets provide a natural comparison between human-led and AI-assisted customer support operations within the same company.

The analysis focuses on customer support activity during the same seasonal period (March) in both years to reduce the influence of seasonal variations in customer demand.

Table 1. Dataset used in analysis

	Dataset	Measurement	
	Chat response times	Time	shortest response time average response time longest response time
	Chat duration	Time	shortest chat duration average chat duration longest chat duration total time spent on customer interactions
	Customer interactions	Number	Customer received support
	Missed chats	Number	Customer support requests that did not receive a response.
	Chatbot response accuracy	Percentage	Very wrong – incorrect or misleading response Partial – partially correct response Good – mostly correct response Perfect – fully accurate response
	Operational cost of customer support	Monetary unit	Cost of implementation

A subset of 65 chatbot interactions was manually reviewed to evaluate the quality and accuracy of AI-generated responses.

To assess the impact of AI chatbot implementation, several operational performance metrics were analyzed. Response time is a critical indicator of customer service responsiveness in e-commerce environments. Chat duration represents the total time required to resolve a customer inquiry. Shorter chat durations may indicate greater efficiency in resolving customer issues. Missed chats refer to customer support requests that did not receive a response. High numbers of missed chats indicate insufficient support capacity and may negatively affect customer satisfaction. The study also evaluates the financial cost of different customer support models. Cost comparisons are used to estimate potential financial benefits associated with AI adoption. To evaluate chatbot performance, a manual quality assessment of AI responses was conducted. This allowed the researchers to assess both the accuracy and limitations of the chatbot in real-world interactions.

The study employs a comparative quantitative analysis to evaluate differences between human-led and AI-supported customer support operations.

Operational performance metrics from March 2023 and March 2024 were compared using descriptive statistical analysis, including mean values, ranges, and frequency distributions.

In addition to descriptive statistics, comparative analysis was conducted to identify differences in key performance indicators. Qualitative analysis was also performed through manual examination of chatbot conversations in order to identify patterns in AI response accuracy and common sources of error. All customer interaction data used in the study were anonymized to ensure compliance with privacy and data protection requirements.

4. Results and Data Analysis

The purpose of the empirical analysis is to evaluate the operational and financial effects of introducing an AI chatbot into the customer support system of a B2C e-commerce SME. The analysis compares two observation periods: March 2023, when customer support was provided exclusively by a human specialist, and March 2024, after the deployment of the AI chatbot. By examining comparable timeframes, the study aims to identify measurable changes in service responsiveness, operational efficiency, and cost structure associated with the introduction of automated support.

The dataset characteristics are summarized in Table 2. During the study period, the SME experienced moderate growth in its customer base. The potential number of customers increased from approximately 1,300 in 2023 to around 2,000 in 2024. Despite the higher customer volume in the second period, the introduction of the AI chatbot was associated with improved performance across several key customer support indicators.

Table 2. Dataset characteristics

Parameter	Human support	AI Chatbot Support
Observation year	2023	2024
Potential customers	1300	2000
Training period	2 months	2 weeks
Support availability	Limited working hours	24/7
Customer interaction channel	Website chat	Website chat

One of the most notable differences between the two support models concerns response time. In customer service operations, response speed is a critical determinant of user satisfaction, particularly in digital commerce environments where consumers expect immediate feedback. The empirical comparison reveals a substantial reduction in response times after the implementation of the AI chatbot. While human support response times in 2023 ranged from approximately 20 seconds to more than three minutes depending on workload and availability, the AI chatbot in 2024 responded almost instantly in most cases.

Table 3 summarizes the comparative performance indicators for the two support systems.

Table 3. Comparative performance indicators

Metric	Human Support (2023)	AI Chatbot (2024)
Average response time	20–220 seconds	3–19 seconds
Average chat duration	229–950 seconds	19–354 seconds
Total missed chats	Several occurrences	0
Service availability	Working hours	24/7

The reduction in response time represents one of the most significant operational improvements observed in the dataset. Based on the average values reported during the observation periods, the estimated mean response time decreased from approximately 120 seconds under human-led support to around 6 seconds when the AI chatbot was used. The magnitude of this improvement can be expressed through the following efficiency indicator:

$$Efficiency\ Improvement = \frac{RT_{human} - RT_{AI}}{RT_{human}} \times 100$$

Using the observed mean values, the calculation suggests that the AI chatbot reduced response times by approximately 95 percent. This result highlights the capacity of automated systems to provide near-instant responses to customer inquiries, a capability that is difficult to achieve through human-only customer support operations.

Another important indicator of operational performance is chat duration, which reflects the time required to resolve customer issues. In the human-led support environment, conversations often lasted several minutes, with average durations ranging from roughly four minutes to over fifteen minutes depending on the complexity of the inquiry. In contrast, interactions handled by the AI chatbot tended to be significantly shorter, particularly for routine questions such as login issues, course access inquiries, or product information requests.

The comparative statistics presented in Table 4 illustrate this difference more clearly.

Table 4. Chat duration comparison

Statistic	Human Support	AI Chatbot
Minimum duration	229 sec	19 sec
Average duration	540 sec	140 sec
Maximum duration	950 sec	354 sec

The reduction in average chat duration suggests that automated systems are particularly efficient in handling routine customer requests. Because chatbots can instantly retrieve predefined information from the knowledge base, they often resolve common issues more quickly than human agents who must manually review customer inquiries and formulate responses. Shorter interaction times also enable the system to handle a higher volume of simultaneous conversations.

A further improvement observed in the data relates to the elimination of missed chats. During the human-led support period, customer requests occasionally remained unanswered when multiple users initiated conversations simultaneously or when the support specialist was temporarily unavailable. In contrast, the AI chatbot was able to respond to all incoming inquiries due to its ability to manage multiple conversations at the same time. As a result, no missed chats were recorded during the AI-supported observation period.

In addition to operational improvements, the introduction of the AI chatbot produced significant financial effects. The cost structure of the three customer support models considered in this study—AI chatbot, in-house human support, and outsourced support services—is presented in Table 5.

Table 5. Customer support cost comparison

Support Model	Monthly Cost	Availability
AI chatbot	$20	24/7
In-house support specialist	$1,100	Working hours
Outsourced support	$1/hour	24/7

The comparison indicates a substantial difference between the operational costs of automated and human-based support systems. While the AI chatbot operates at a monthly cost of approximately $20, maintaining a full-time human support specialist costs roughly $1,100 per month. The resulting monthly savings can be expressed as:

$$Cost\ Savings = Cost_{Human} - Cost_{AI}$$
$$Cost\ Savings = 1100 - 20$$
$$Cost\ Savings\ 1080$$

This calculation suggests that the adoption of the AI chatbot could reduce customer support expenses by approximately **$1,080 per month**. For resource-constrained SMEs, such savings represent a significant opportunity to reallocate financial resources toward other strategic activities such as marketing, product development, or customer acquisition.

Beyond operational efficiency and cost savings, the study also evaluated the quality of AI-generated responses. A manual review of 65 chatbot interactions was conducted in order to assess the accuracy of the system in real-world customer support situations. Each response was categorized into one of four quality levels: very wrong, partial, good, or perfect. The results of this classification are presented in Table 6.

Table 6. AI response quality evaluation

Response category	Number	Percentage
Very wrong	7	10.8%
Partial	5	7.7%
Good	11	16.9%
Perfect	42	64.6%

The results indicate that the majority of chatbot responses were correct or highly accurate. Specifically, 64.6 percent of the responses were categorized as perfect, while an additional 16.9 percent were classified as good. Taken together, these categories account for approximately 81 percent of all responses evaluated.

The incorrect responses identified in the dataset were primarily associated with situations requiring access to personalized user data, such as subscription status or account-specific information. Because the chatbot was not directly integrated with the company's internal customer database, it occasionally provided incomplete or inaccurate answers when responding to questions involving individual user accounts. These limitations highlight the importance of system integration and access to contextual data in improving the performance of AI-driven customer support systems.

Overall, the empirical results suggest that the introduction of the AI chatbot significantly improved customer support responsiveness, reduced operational costs, and enhanced the scalability of the SME's customer service operations. At the same time, the findings also demonstrate that automated systems remain dependent on the quality of training data and access to relevant organizational information, indicating that hybrid human–AI service models may represent the most effective configuration for many SMEs.

5. Discussion

The results of this study provide empirical evidence that the integration of artificial intelligence into customer support operations can substantially improve the efficiency and accessibility of service delivery in small and medium-sized e-commerce firms. The observed improvements in response times, chat duration, and service availability demonstrate that even relatively simple AI implementations can significantly transform how SMEs interact with customers in digital environments.

One of the most notable findings concerns the dramatic reduction in response times following the introduction of the AI chatbot. The empirical analysis shows that the chatbot consistently responded within seconds, whereas human support often required substantially longer waiting times. This improvement directly addresses one of the most critical determinants of customer satisfaction in online environments — immediacy. Prior research emphasizes that responsiveness is a core dimension of service quality in e-commerce contexts (Jiang et al., 2015). The results of this study reinforce this perspective by demonstrating that AI systems are capable of delivering a level of responsiveness that is difficult to achieve through human-only support structures. For SMEs operating in highly competitive digital markets, this ability to provide immediate responses can represent a significant competitive advantage.

Another important outcome concerns the elimination of missed chats during the AI-supported period. Missed customer interactions represent lost opportunities for engagement and potential revenue generation. In the human-led support model observed in 2023, missed chats occurred during peak demand periods when the support specialist was unable to handle multiple simultaneous requests. The introduction of the AI chatbot effectively removed this constraint by allowing the system to manage numerous conversations simultaneously. This finding highlights the scalability advantage of AI systems and supports previous research suggesting that conversational AI can significantly expand the service capacity of organizations without requiring proportional increases in staffing (Adam et al., 2021) (Chau et al., 2025).

Beyond improvements in operational performance, the study also demonstrates substantial financial implications of AI adoption for SMEs. The comparison of customer support models reveals that the AI chatbot operates at a fraction of the cost of human-based support. For resource-constrained SMEs, the monthly cost savings observed in this study represent a meaningful reallocation of financial resources. These savings may be reinvested into other strategic activities such as marketing, product development, or customer acquisition. In this sense, AI adoption can contribute not only to operational efficiency but also to broader strategic flexibility within small firms.

The findings also contribute to the growing literature on digital transformation in SMEs. Traditional models of technological adoption often assume that advanced technologies require significant financial investment and technical expertise. However, the case examined in this study illustrates that accessible Software-as-a-Service AI solutions allow SMEs to adopt advanced capabilities without substantial technological infrastructure. This supports the argument that AI technologies are increasingly democratizing access to sophisticated digital tools, enabling smaller firms to compete more effectively with larger enterprises in customer experience management.

At the same time, the results highlight important limitations in the current capabilities of AI-based customer support systems. The manual review of chatbot responses revealed that a portion of responses were either partially correct or incorrect, primarily due to the system's lack of access to personalized customer information. These findings suggest that the effectiveness of AI chatbots is highly dependent on the quality of training data and the degree of integration with internal information systems. Without access to relevant contextual data, AI systems may struggle to provide accurate responses to complex or personalized queries. This limitation indicates that AI chatbots are currently most effective when used to address routine inquiries rather than highly individualized customer issues.

These observations reinforce the emerging perspective that the most effective customer support structures are likely to involve hybrid human–AI collaboration models. In such systems, AI technologies handle repetitive and high-volume interactions, while human agents manage escalated cases requiring contextual understanding, empathy, or complex decision-making. Rather than replacing human labor entirely, AI appears to reconfigure the role of human support agents by shifting their focus toward higher-value tasks. This transformation aligns with broader discussions in the literature regarding the complementarity between artificial intelligence and human capabilities in service environments.

From a theoretical standpoint, the findings also contribute to ongoing discussions about the evolving nature of service quality in digital environments. Traditional service quality frameworks emphasize human interaction, empathy, and personalized communication as key drivers of customer satisfaction. However, the results of this study suggest that technological responsiveness — specifically the ability to provide instant and continuously available service — has become an increasingly important dimension of perceived service quality in digital commerce. In this sense, AI-driven customer support systems may be reshaping how service quality is conceptualized in online contexts.

Finally, the study highlights several strategic implications for SMEs considering AI adoption. The empirical evidence suggests that even relatively modest AI implementations can produce substantial improvements in service responsiveness, operational efficiency, and cost structure. However, successful implementation requires more than simply deploying the technology. Firms must also invest in data management practices, knowledge base development, and continuous monitoring of AI-generated responses. Without appropriate training data and system oversight, the effectiveness of AI solutions may be significantly limited.

Taken together, the results of this study illustrate both the opportunities and the challenges associated with AI adoption in SME customer support operations. AI technologies offer considerable potential for improving service efficiency and scalability, but their successful integration depends on organizational readiness, data infrastructure, and thoughtful design of human–AI interaction processes.

6. Limitations of the Study

While the findings of this research provide valuable insights into the role of artificial intelligence in SME customer support operations, several limitations should be acknowledged.

First, the empirical analysis is based on a single case study involving one B2C e-commerce SME operating in the digital education sector. Although the case provides a detailed real-world examination of AI implementation, the findings may not be directly generalizable to all SMEs or to firms operating in different industries. Customer support structures, product complexity, and customer interaction patterns can vary significantly across sectors, which may influence the performance and effectiveness of AI-driven support systems. Future research could therefore expand the empirical scope by examining multiple SMEs across different industries in order to enhance the external validity of the findings.

Second, the time horizon of the analysis was relatively limited. The chatbot was trained for approximately two weeks prior to deployment and evaluated over a short observational period. Artificial intelligence systems typically improve through continuous learning and iterative refinement, meaning that longer observation periods may reveal further improvements in accuracy, efficiency, and customer interaction quality. Longitudinal studies examining AI chatbot performance over extended periods would therefore provide valuable insights into how such systems evolve over time within SME environments.

Third, a key limitation affecting the chatbot's performance was its restricted access to personalized user data. Due to privacy considerations and system architecture constraints, the AI assistant was unable to access certain account-specific information, which occasionally resulted in incomplete or inaccurate responses. This limitation reflects a common challenge in real-world AI deployments, where organizations must balance technological capability with data privacy requirements and regulatory compliance. Future research could explore how deeper integration between AI systems and internal databases affects chatbot accuracy, customer satisfaction, and overall service effectiveness.

Finally, the quasi-experimental research design adopted in this study does not allow for full experimental control over external variables. Although the analysis compares identical time periods across consecutive years in order to minimize seasonal effects, other contextual factors — such as changes in customer behavior, marketing strategies, or product offerings — may have influenced customer support dynamics between the two periods. While the comparative approach provides meaningful insights into operational changes associated with AI implementation, future research employing controlled experimental designs or larger datasets could further strengthen causal inference.

Despite these limitations, the case study offers valuable empirical evidence regarding the operational and financial implications of AI chatbot adoption in SMEs and provides a foundation for future research exploring AI-enabled customer service models.

7. Conclusion

The rapid digitalization of commerce has fundamentally transformed the expectations placed on customer support systems, particularly within e-commerce environments where immediacy, accessibility, and efficiency are critical determinants of customer satisfaction. For small and medium-sized enterprises, meeting these expectations can be challenging due to limited human and financial resources. In this context, artificial intelligence technologies — particularly conversational AI — offer new opportunities to enhance customer service capabilities while maintaining operational efficiency.

This study examined the implementation of an AI-powered chatbot within a B2C e-commerce SME and evaluated its impact on customer support operations using a quasi-experimental before-and-after research design. The empirical findings demonstrate that the introduction of the AI chatbot produced significant improvements in several key operational metrics. Response times were dramatically reduced, missed chats were eliminated, and customer inquiries were handled more efficiently through automated responses. At the same time, the cost comparison revealed substantial financial benefits, with the AI system operating at a fraction of the cost of traditional human-based support models.

Beyond operational improvements, the study highlights the strategic implications of AI adoption for SMEs operating in digital markets. By enabling instant responses and continuous service availability, AI chatbots allow small firms to provide service levels comparable to those offered by much larger organizations. In this sense, AI technologies can reduce structural disadvantages traditionally faced by SMEs, allowing them to compete more effectively in customer experience management.

However, the findings also illustrate that AI systems are not without limitations. The observed inaccuracies in certain chatbot responses demonstrate that the effectiveness of conversational AI is closely linked to the quality of training data and the degree of integration with organizational information systems. Without sufficient access to contextual or personalized data, AI systems may struggle to address complex or individualized customer requests. These limitations suggest that AI-driven customer support systems are most effective when implemented within hybrid human–AI service models, where automated systems manage routine inquiries while human agents handle complex interactions requiring contextual judgment and empathy.

From a broader perspective, the results of this research contribute to the growing literature on digital transformation and AI adoption in SMEs by providing empirical evidence of the tangible operational and financial outcomes of chatbot implementation. While many studies discuss the theoretical potential of artificial intelligence in customer service, relatively few provide real-world comparative analyses of performance before and after AI deployment. By examining measurable operational indicators within a real SME environment, this study helps bridge that gap.

Future research could build upon these findings by expanding the empirical scope to include multiple organizations, longer observation periods, and additional performance indicators such as customer satisfaction, customer retention, or conversion rates. Such research would contribute to a more comprehensive understanding of the long-term strategic impact of AI adoption in SME customer support systems.

Overall, the results suggest that artificial intelligence has the potential to fundamentally reshape customer support operations in SMEs by improving responsiveness, increasing scalability, and reducing operational costs. When implemented strategically and supported by appropriate data infrastructure and human oversight, AI-driven customer service systems can become a powerful tool for enhancing competitiveness in the increasingly demanding landscape of digital commerce.

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European Integration
and Contemporary Constitutionalism

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Abstract: The study explores the complex relationship between European integration and contemporary constitutionalism, emphasizing the dynamic balance between national sovereignty and supranational governance. Starting from the premise that the European Union represents not only an economic and political project but also a constitutional one, the paper analyzes how the principles of democracy, rule of law, and protection of fundamental rights evolve within a multi-level system of governance. By examining both normative and institutional transformations, the research highlights the way in which constitutional identities of Member States adapt to the common European legal order, while contributing to the consolidation of a shared constitutional culture. The analysis also considers the challenges brought by recent crises — political, social, and economic — which test the resilience of the European constitutional model and invite a renewed reflection on the meaning of sovereignty and legitimacy in the contemporary European space.

Keywords: *constitutionalism, european integration, European Union, sovereignty, rule of law*

J.E.L. Classifications: **K10, K33**

1. Introduction

The process of European integration has long surpassed the boundaries of simple economic cooperation, transforming into a veritable supranational constitutional ecosystem. This metamorphosis has generated constant pressure on classical concepts of sovereignty and normative hierarchy. Currently, as of 2025, contemporary constitutionalism can no longer be analyzed exclusively through the lens of national fundamental texts but requires an integrated approach that includes the Treaties and the case law of the European Union. This paper aims to analyze the tensions and convergences between the EU legal order and national constitutions, with a special focus on Romania's position compared to other Member States. The central objective is to demonstrate that the recent evolution (2020-2025) marked a transition from pure judicial dialogue to an "economic conditionality" of constitutional values, where the National Recovery and Resilience Plan (NRRP) played a decisive role. From a methodological perspective, the research combines hermeneutic analysis of legislative texts with comparative case law study. The divergence between the approach of the German Federal Constitutional Court, the rule of law crisis in Poland, and the specific response of the Constitutional Court of Romania will be examined. Furthermore, the paper innovates by introducing a sociological perspective on the judiciary and a technical analysis of the infringement procedures that forced legislative alignment.

2. Theoretical Framework: the Identity Dilemma

2.1. From Primacy to Identity: a Normative Shift

The principle of the primacy of EU law, established jurisprudentially since the *Costa v. ENEL* case (1964), remains the cornerstone of European construction. Without it, the uniform application of Union law would be illusory. However, national constitutionalism has maintained constant reservations, considering that the transfer of competences to the EU does not equate to an absolute transfer of sovereignty.

2.2. The Concept of "Constitutional Identity" in EU Law

Article 4 par. (2) of the Treaty on European Union (TEU) imposes an obligation on the Union to respect the national identity of Member States.

Initially conceived as a cultural and administrative safeguard clause, this article has been reinterpreted by national constitutional courts as a legal "counter-limit." Transformed from a defensive shield into a jurisdictional sword, the concept of constitutional identity has become the main argument in refusing to apply certain judgments of the Court of Justice of the European Union (CJEU), generating a conflictual "constitutional pluralism."

3. Comparative Analysis: Romania vs. Other Member States

To understand the specificity of the Romanian case, a comparative analysis with other jurisdictions that have contested EU law primacy is essential.

3.1 The German Model: Ultra Vires and Competence (The Weiss Saga)

The German Federal Constitutional Court (BVerfG) generated a legal earthquake with its decision of May 5, 2020, in the *Weiss* (PSPP) case. The German court ruled that the European Central Bank acted *ultra vires* (exceeding its powers). The specificity of the German model lies in the nature of the argument: the BVerfG did not contest the values of the rule of law (Art. 2 TEU) but invoked a technical issue of competence delimitation and the democratic principle. Although the conflict was intense, it remained principled and procedural, as Germany has a tradition of loyal cooperation with the CJEU.

3.2. The Polish Model: Systemic Defiance

At the opposite pole, the Constitutional Tribunal of Poland adopted a position of total rupture in 2021, declaring essential articles of the TEU (Art. 1 and 19) unconstitutional insofar as they allow the CJEU to verify the independence of the judiciary. The Polish model was characterized by a systemic denial of European authority and an accentuated politicization of the constitutional court, leading to record daily financial penalties (1 million euros/day).

3.3. The Romanian Model: Selective Resistance and Anti-Corruption

Romania was situated in an intermediate zone, but with a specific stake: the fight against corruption. The Constitutional Court of Romania (CCR), through Decision no. 390/2021 and subsequent ones, invoked constitutional identity (Art. 148 of the Constitution) to block the application of CJEU decisions aimed at dismantling the Section for the Investigation of Offences in the Judiciary (SIIJ) or the regime of limitation periods for criminal liability. Unlike Germany, where the dispute was about monetary policy, and Poland, where it concerned state capture, in Romania, the dispute concerned the *de facto* impunity generated by certain CCR decisions. The Romanian specificity consisted of using constitutional identity as a shield to maintain judicial structures criticized by European bodies, placing ordinary judges in front of direct disciplinary threats.

4. The Technical Dimension: Infringement and Sanctions

Beyond theory, constitutional integration was forced through technical mechanisms provided by the Treaties.

4.1. From CVM to Rule of Law Conditionality (2020-2025)

The European Commission changed its strategy towards Romania, moving from political monitoring through the Cooperation and Verification Mechanism (CVM) — formally lifted but integrated into the general mechanism — to harsh infringement procedures. In the period 2021-2024, the Commission opened procedures regarding non-compliance with the judgment in the *Asociația Forumul Judecătorilor din România* case. The technical argument was the violation of the principle of the autonomy of Union law by maintaining disciplinary sanctions for magistrates who applied EU law directly.

4.2. The Mechanics of Article 260 TFEU: The Financial Threat

The turning point was the risk of activating Article 260 par. (2) TFEU. The Ministry of Justice and the Ministry of Finance conducted impact assessments in 2024 showing that Romania risked lump sum and penalty payments of tens of millions of euros. This technical perspective "de-ideologized" the debate. The Romanian legislature understood that maintaining the CCR's hard line was becoming budgetarily unsustainable, leading to the amendment of the Laws of Justice (Law 303/2022 and subsequent amendments) to eliminate the disciplinary offense related to non-compliance with CCR decisions when such non-compliance is necessary to respect EU law.

5. The Sociology of Judicial Resistance

Constitutionalism does not live only in the Official Gazette, but also in the conscience of those who apply it. A sociological analysis of the Romanian judiciary reveals profound tensions.

5.1. The Magistrate's Dilemma: Double Loyalty

The Romanian judge found themselves in a dilemma of double loyalty: towards the national constitutional court and towards the European court. Internal surveys and positions of professional associations showed a fracture in the system. Part of the judiciary perceived the application of the CJEU decision in the *RS* case (C-430/21) as a guarantee of their own independence from local political interference. Another part felt it as a source of legal insecurity, fearing reprisals from the Judicial Inspection.

5.2. Generational Shift as a Driver for Integration

A determining factor in resolving the crisis was the generational shift. Magistrates who entered the system post-accession (after 2007), trained through the National Institute of Magistracy with a strong European curriculum, demonstrated a natural openness to judicial dialogue. By 2025, the critical mass of lower courts began to apply EU law directly, tacitly ignoring contrary decisions of the CCR. This "silent revolt" from the bottom up eroded the authority of the hardline sovereignist stance, demonstrating that European integration is also a demographic and cultural phenomenon, not just a legislative one.

6. Economic Constitutionalism (NRRP) as the Final Arbiter

If legal procedures took years, the economic lever was rapid. The National Recovery and Resilience Plan (NRRP) functioned as an imposed "economic constitution." Structural reforms — including those regarding special pensions for magistrates and corporate governance — were included as "milestones" in the NRRP. The conditionality attached to Regulation 2020/2092 transformed respect for the rule of law into a bankable precondition. Romania, dependent on European funds for development and covering the deficit, was forced to align national legislation with EU standards to avoid losing payment tranches in 2023 and 2024.Thus, the NRRP succeeded where CJEU decisions alone could not: it forced the political class to implement unpopular reforms under the threat of losing money. It can be stated that, in contemporary constitutionalism, budgetary sovereignty and legal sovereignty have merged.

7. Conclusions

The analysis of Romania's trajectory in the European context, up to the end of 2025, allows for the formulation of clear conclusions regarding contemporary constitutionalism.

Firstly, the comparison with Germany and Poland shows that Romania's constitutional resistance was specific, linked to the effectiveness of criminal justice, and not purely doctrinal.

Secondly, the resolution of the conflict between national and European law was not achieved through a theoretical victory of one over the other, but through pragmatic pressure. Infringement procedures (the technical threat) and NRRP fund conditionality (the economic threat) disciplined sovereignist tendencies.

In conclusion, modern European constitutionalism is a hybrid system, where the values of Art. 2 TEU are guaranteed not only by judges but also by financial mechanisms. For Romania, full integration meant accepting the fact that the rule of law is a condition of economic existence within the Union.

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Individual Employment Contract versus Sports Activity Contract

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Abstract: As the specialized literature notes, both the individual employment contract and the sports activity contract are governed by the principle of contractual freedom, with regard to the intention to give rise to existing legal relationships between the performance athlete, professional and the sports structure, as well as the conditions of exercise. Although Law No. 69/2000 does not stipulate the criteria based on which a participant in sports activity chooses one of the legal instruments regulating legal relations, we support the opinion that the individual employment contract should be the rule, and the sports activity contract the exception.

Keywords: *sports activity, performance, amateur, professional, participants*

J.E.L Classification: K31, J41, L83

1. Introduction

As the specialized literature notes (Medei, 2025, p. 18), sport is also an important part of instruction and continuing education; through sport, authentic values are created, which become landmarks for children and young people in training. The feeling of national identity, through sport, is fundamental for any society. The well-being of the population, through constant practice of physical activity, is an important element of the development of a society. In other words, "mens sana in corpore sano" (Motica, 2001, p. 164).

Practicing high-performance sports activities does not guarantee that it will prolong your life, but it will certainly make you live it more intensely (Bodan, 2024. p. 5).

Under the terms of the law, namely art. 14 of Law no. 69/2000 on physical education and sports, published in the Official Gazette no. 200 of May 9, 2000 and in accordance with the provisions contained in the statutes and regulations of national and international sports federations, performance athletes can be:

a) amateurs;

b) professionals.

As the doctrine emphasized (Medei, 2024. p. 49), the legislator does not clearly define the concept of amateur athlete, the meaning of this term being implied per a contrario, from the definition of professional athlete "a professional athlete is one who, for practicing the respective sport, meets the following conditions:

a) has a professional athlete license;

b) concludes an individual employment contract or a sports activity contract with a sports structure.

The word "amateur" of Latin origin designates a person who "likes something, who has a predilection or passion for something, a person who deals with a profession, an art, a discipline, without exercising it as a professional amateur."

A professional is someone who practices sports, or participates in training, internships, official competitions, etc., as a profession. The latter term comes from the Latin "professio-onis", which designates a qualification acquired through study, specialization, examination, continuous training, skills acquired in order to be remunerated.

The same author (Medei, 2024. p. 50), delimits two categories of athletes and is based only on the existence or non-existence of the contractual relationship between the athlete and the sports entity, thus, this point of view is also supported by the jurisprudence of the court, in this regard the following court decisions being relevant:

1. Bucharest Court of Appeal, Section VII for cases regarding labor conflicts and social insurance, decision no. 6125/30.12.2009 "During the

period in which he practiced performance sports, like all athletes in Romania, he had the status of an amateur athlete, meaning he had no contractual relations with the sports structures to which he was registered as an athlete and with the Romanian Federation X".

2. Timiș Court, Civil Section I, decision no. 2019/25.11.2021: Also, according to art. 55 and 56 of the Statute of the Romanian Federation of X, athletes of members affiliated with the Romanian Federation of X can be amateurs or non-amateurs. Amateur athletes are those who do not have contractual employment relationships with the clubs or sports associations to which they are registered. In this case, the plaintiff holds the status of an amateur athlete who practices the sports activity of (…), having not established contractual relationships with a sports club affiliated with the Romanian Federation of X.

The individual employment contract is regulated by the provisions of the Labor Code, according to which the individual employment contract is a manifestation of will, the contract under which the employee undertakes to perform for and under the authority of an employer, natural or legal person, in exchange for a remuneration called salary.

The sports activity contract is regulated by Law No. 69/2000 on physical education and sports, as well as by Order No. 631/2890/2017 on the approval of the framework model of the sports activity contract.

The sports activity contract is "the agreement concluded for a specified period, between sports structures and participants in sports activity, provided for in art. 67^1 paragraph (1) of the Law on Physical Education and Sports, which has as its object the carrying out of a sports activity".

Both the individual employment contract and the sports activity contract are governed by the principle of contractual freedom, with regard to the intention to give rise to existing legal relationships between the performance athlete, professional and the sports structure, as well as the conditions of exercise.

The essential elements of legal acts are the following:

- The subordination relationship of the employee to the employer. In the case of an individual employment contract, the performance athlete undertakes to perform work for and under the authority of the sports structure, in exchange for a remuneration called salary;

- salary – regardless of the legal act regulating the legal relations between sports structures and the performance athlete, the consideration for sports activity consists of the monthly basic salary and other rights, optional for example: game bonus earned from sports activity.

According to the Annex to Law No. 69/2000 and the Fiscal Code, the following are considered income from independent activities:

- The temporal element: art. 12 of the Labor Code - the individual employment contract is concluded, as a rule, for a fixed period and the exception is the indefinite period; according to point III of the Annex to Order no. 631/890/2017 issued by the Ministry of Youth and Sports regarding the approval of the framework model of the sports activity contract, the sports activity contract is concluded between the sports structure and the performance athlete for a fixed period (from one day to n years) negotiated by the parties.

It is worth noting that, with regard to participants in sports activity, as a legislative novelty, Law no. 83/2025 amended and supplemented art. 67^1, paragraphs (1) and (1^1) of Law on Physical Education and Sports no. 69/2000, thus expanding the scope of participants in sports activity.

For example, if until this year only athletes, coaches, doctors, referees could choose between concluding an individual employment contract or sports activity contract, now sports instructors, technical directors, managers can also conclude this type of atypical contract, thus the participants in sports activity are:

a) athletes;

b) teachers-coaches, trainers, sports instructors, physical training specialists, technical directors, sports managers, sports program coordinators, recreational policy officers;

c) doctors, nurses, masseurs, physiotherapists, sports trainers, researchers;

d) referees, observers, video operators, sports counselors, accredited sports officials, auxiliary personnel, workers in the development of sports fields-sports base developers;

e) other persons who contribute to the implementation of sports activity, according to the regulations and statutes of national sports federations.

- place of work: according to art. 16[1] of the Labor Code "the workplace is the place where the employee carries out his activity, located within the perimeter provided by the employer, a natural or legal person, at the main headquarters or at branches, representative offices, agencies or work points belonging to it", with the exception of the mobility clause, e.g. driver.

In the field of sports, the activity is carried out mainly on the playing field, which may or may not belong to the sports structure, in the training rooms, as well as in various locations established by mutual agreement through the sports activity contract or through the job description, the organization and operation regulations or the internal regulations, the annexes to the individual employment contract.

Regarding special conditions:

- medical certificate: according to art. 27 of the Labor Code, the employment of a person can be done "only on the basis of a medical certificate, which certifies that the person in question is fit to perform a job, failure to comply with this provision being sanctioned by the nullity of the individual employment contract". The Labor Code also provides, in art. 28 of the same normative act, other cases in which the medical certificate is mandatory.

The employment of a performance athlete in a sports structure, under an individual employment contract, "can only be done based on a medical certificate, which attests that he is medically fit to carry out the sports activity."

Even if it is about the field of physical education and sports, it is very important to distinguish between, on the one hand, the medical certificate, which establishes that the person in question is fit to perform that work, issued under art. 27 of the Labor Code, and, on the other hand, the medical opinion, issued for practicing physical exercises in organized forms, under art. 55 of Law no. 69/2000 on physical education and sports.

Regarding the probationary period, we would like to point out that we do not agree with the opinion expressed in the specialized literature (Medei, 2024. p. 60), according to which it is a necessary condition in any of the concluded legal acts because art. 31, para. (1) of the Labor Code states "a probationary period may be established…", so it is a possibility and not an obligation.

Regarding the special condition of recruitment through competition or examination.

According to Article 30 of the Labor Code, the hiring of employees (in public institutions and authorities and other budgetary units) is done only through competition or examination.

At the same time, we cannot agree with the legal source of the point of view expressed in the doctrine (Medei, 2024, p. 61), according to which, by derogation from the provisions of the Labor Code, "in the case of an individual employment contract concluded for a fixed period, in the field of sports, employment can also be made directly, by agreement of the parties", indicating as the source art. 67^1 paragraph. (1) of the Labor Code, a non-existent article.

This is probably a material error because in art. 67^1 paragraph (1^3) of Law no. 69/2000 the above-mentioned text is found, which must be corroborated with art. 83, letter h) of the Labor Code.

Therefore, in the case of athletes, employment can also be done directly, by agreement of the parties upon conclusion of the individual fixed-term employment contract.

Chapter IX of the framework contract for sports activity, entitled "Resolution of disputes", contains a standard clause which, unfortunately, in the view of the doctrine (Prescure, 2021, p. 79), is unclear and imprecise, which is why it could create practical reasons in the choice and use of ways to resolve disputes that may arise from sports activity contracts. Thus, in accordance with the regulation, for the resolution of disputes, patrimonial and/or non-patrimonial, arising from the conclusion, execution, modification, suspension or termination of sports activity contracts, the contracting parties could appeal to the domestic and/or international sports commissions, as the case may be, and/or to the competent material and territorial courts, according to the law.

As for the option of appealing to domestic or international sports commissions, the legal indication seems to us to be very general, imprecise and unclear, given that Law no. 69/2000 does not contain express provisions on the methods of resolving disputes arising from sports activity contracts. As the clause on the resolution of disputes is formulated, it cannot be deduced whether the intention of the authors of the framework contract was to evoke institutional arbitration bodies (in the sense of private law jurisdiction, alternative to state justice) or structures of representative bodies at national or international level (Puț, 2025, p. 197), in matters of sports branches.

We agree with the point of view expressed in the doctrine (Prescure, 2021, p. 80), namely that, de lege ferenda, the name of the contract designated by Law no. 69/2000, under the title of sports activity contract, should be changed to that of sports service contract, thus indicating with greater rigor the object and legal nature of such a special contract.

The doctrine (Medei, 2025, pp. 179-180) notes that the amateur athlete cannot conclude any individual fixed-term employment contract applicable in the field of sports, nor a sports activity contract, due to the salary/remuneration, a mandatory element in both legal acts. We consider that, in the current legislative framework, the amateur performance athlete does not benefit from any legal protection.

The legal relationship between the amateur performance athlete and the sports structure must be regulated by a legal act that, on the one hand, does not contain the element "salary/remuneration", and on the other hand, allows for the creation of a legal status that involves rights and obligations related to the parties and, at the same time, grants them legal protection.

The future world order must be managed in a balanced way; physical education and national and international sports will certainly not be the same; they must have a different path shaped and adapted to the new realities; although sport has been and will be an important employer for the world economy, sport will be practiced by professionals on a much smaller scale, it will take on other valences.

The number one priority and, moreover, the key to success on this path of rebuilding future international sport will be represented by amateur athletes, because, at least for a greater or lesser period of time, the number of professional athletes will be reduced, and their salaries will decrease drastically, many of them being forced to turn to other professions.

The current social, economic, national, European and international political order entitles us to consider that volunteering will be a basic pillar of sport, and the only legal instrument able to meet the requirements of the concept of "amateur athlete" and which we propose as a de lege ferenda is the Special Sports Activity Contract.

When concluding any of the aforementioned contracts, the state of incompatibility (But, 2011, pp. 38-43) and the conflict of interests of an administrative nature (Lazăr, 2016, p. 16) in which employees who wish to work for different employers (through the accumulation of functions) or for the same employer may find themselves must be avoided.

An aspect that should not be neglected, rightly noted in the specialized literature (Teleoacă, 2018, p. 55) is that the law does not distinguish in which situations it is appropriate to conclude an individual employment contract and when it is appropriate to conclude a sports activity contract, so this aspect remains at the discretion of the parties.

At the same time, the doctrine (Puț, 2021, p. 105) notes the dynamics of the sports movement and the issues related to sports, which led to the need to align the federative statutory provisions with the evolution of the sports reality.

2. Procedure and Control Measures Regarding the Obligation of Sports Structures to Conclude an Individual Employment Contract or a Sports Activity Contract with at least One Coach or Sports Instructor, as a Legislative Novelty

By Order No. 737/2025 issued by the National Agency for Sports, the above-mentioned procedure was developed, with the aim of ensuring a uniform framework, sports structures that hold a sports identity certificate are obliged to conclude an individual employment contract or a sports activity contract with at least one coach or sports instructor, qualified under the law.

The obligations of sports structures are:

a) concluding and maintaining a valid employment or sports activity contract;

b) notifying the competent authorities within 15 days of the modification or termination of the contract;

c) presenting supporting documents upon request by the control bodies.

Control measures

Control can be carried out both internally and externally and consists of:

a) periodic verification of contracts and professional certification documents;

b) drawing up control reports and establishing corrective measures;

c) monitoring compliance with the obligation.

Internal control is carried out periodically by employers to verify the validity of registered contracts.

External control is carried out by the National Agency for Sports to verify the existence and validity of contracts concluded by the sports structure.

Applicable sanctions

If it is found that the sports structure carries out its sports activity without having at least one coach or sports instructor employed with an individual employment contract or a sports activity contract, the National Sports Agency applies the following sanctions:

a) written warning;

b) temporary suspension of the sports identity certificate, until the deficiency found is remedied.

In conclusion, the Law on Physical Education and Sports No. 69/2000 does not stipulate the criteria on the basis of which a participant in sports activity chooses one of the legal instruments that regulate legal relations, namely the individual employment contract or the sports activity contract, so that following the analysis we agree with the opinion expressed in the specialized literature (Medei, 2024, p. 52) according to which the individual employment contract must represent the rule, and the sports activity contract, the exception (Roș, 2025, p. 230).

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Italy and Schengen Cooperation. History, Developments, Challenges, and Solutions

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Abstract: This article provides an objective analysis of migration dynamics and the impact of this phenomenon on the functioning of the Schengen Area, through a specific case study on Italy — one of the primary entry points for immigrants into the European Union. The main purpose of this research is to highlight the impact of migratory flows on border policies and immigration management, European Union security, and cooperation between member states. The methodology used in this research includes an empirical analysis of developed migration policies and available empirical data regarding the phenomenon, a chronological examination of Italy's national legislative framework and the European legal framework, as well as specialized literature on immigration, Schengen cooperation, and Italian policies regarding foreigners.

Keywords: *asylum, borders, cooperation, circulation of goods and persons, immigration, integration, Italy, naturalization, public policies, Schengen area, visas.*

J.E.L. Classifications: F22, K37, O52

1. Introduction

Borders can be understood in various ways, and Europe serves as a prime example of the distinct perceptions surrounding them. Across the European continent, various multinational organizations and agreements have been established, defining specific borders and spaces within which members benefit from certain facilities that grant them privileged positions relative to the outside world. Specialized literature highlights that Europe's borders can be divided into three distinct categories: the political sphere (the European Union), the economic sphere (the European Economic Area and the Eurozone), and the customs/border sphere (the Schengen Area and the Customs Union) (Jeffray, Calum, 2017).

A particularity of the European space lies in the composition of these organizations and agreements; none of these structures share an identical membership, thus forming an amalgam of distinct entities. Consequently, the map of Europe's borders is difficult to establish with precision. Specialists in international relations and European studies have often emphasized that Europe is a continent with borders that are hard to identify, as they remain politically undefined, leading to its fragmentation into a multitude of political entities over time.

Prior to the existence of the Schengen Area, there was no notion of a formal European border distinct from the template of a national border. The paradigm shifted in the summer of 1985 with the signing of the Schengen Agreement, initially concluded between five member states (France, West Germany, Belgium, the Netherlands, and Luxembourg). The primary objective of the agreement was the elimination of controls at the internal borders of its members. The creation of the Schengen Area proved to be a major shift in the management of Europe's borders, leading to the removal of checkpoints and internal borders, a fundamental rethinking of European boundaries, and a clear distinction between what constitutes an internal and an external border of the European Union (Jeffray, Calum, 2017).

2. The Schengen Area, A Space without Internal Barriers

The Schengen Agreement was concluded on June 14, 1985, and initially included five founding states: Germany, France, Belgium, the Netherlands, and Luxembourg. The primary objective pursued through the agreement was the gradual elimination of checks at internal borders (www.eur-lex.europa.eu).

The Schengen Area has gradually expanded its membership and today comprises 29 member states across the European continent. Of the 27 European Union member states, 25 are full members of the Schengen

Area, alongside all four member states of the European Free Trade Association (EFTA), namely Norway, Iceland, Switzerland, and Liechtenstein (www.eur-lex.europa.eu).

The establishment of common borders led to the strengthening of controls at the external borders of the Schengen Area and reinforced cooperation in the fields of asylum and immigration. The policy regarding the processing of asylum applications was not uniform in terms of responsibility sharing; the concluded Convention included a package of conditions and criteria designed to assign this responsibility to a single member state (Papageorgiou, 2018).

In other words, the examination of an asylum application could be assigned to a member state regardless of the applicant's choice, as the priority was for the responsibility of granting asylum to be the attribute of a member that fully met the criteria provided by the Convention. Although this policy can be understood as a rational solution for allocating responsibility and efficiently managing asylum applications, it can also be interpreted as a form of "externalization," given the establishment of restrictions on border crossings for asylum seekers who are to gain access to an area without internal borders (Papageorgiou, 2018).

Many of the Convention's provisions applicable at the founding of the Schengen Area are no longer valid today or have been modified from their original form. Part of the Convention's content was already integrated into European legislation at the time the decision was made to incorporate Schengen cooperation into the European Union framework. Furthermore, a significant proportion of the Convention's provisions were subsequently modified after integration, replaced, or even removed from the Schengen acquis. According to the current European legal framework, to determine if a "legal development" is included in the Schengen acquis, it is verified against the criteria and cooperation mechanisms required to be respected by all member states (Huybreghts, 2015).

Over time, numerous modifications, adaptations, or derogations have been introduced, making the structure of cooperation within the Schengen Area more sophisticated and difficult to understand. Despite the changes it has undergone, the Schengen Area has not been diluted, outdated, or rendered irrelevant; on the contrary, it has been consolidated and adapted to the new realities of the European Union. Moreover, the frequent amendments to the

Convention have demonstrated the importance and relevant position that Schengen cooperation occupies within both the legal framework and the institutional architecture of the European Union. At the beginning of Schengen cooperation, the Convention was assimilated as a unitary legal instrument integrated into legislation; decades later, it constitutes an extensive legislative package consisting of several separate legislative acts, and cooperation has expanded across multiple fields of activity, including border control, information exchange, police cooperation, etc. (Huybreghts, 2015).

Discussions regarding Schengen cooperation must include the *Acquis Communautaire*, which, in a summary definition, constitutes the totality of common rights and obligations applicable to all member countries. The *acquis communautaire* is in a process of continuous crystallization and is adapted to the challenges facing the European Union (www.schengen.mai.gov.ro).

The *acquis communautaire* includes the political principles and objectives set out in the European Union treaties, both the basic treaties and those that have amended them, including individual treaties concluded with states that became members. Furthermore, the acquis communautaire encompasses legal acts issued by European institutions that are binding on member states, adopted for the purpose of implementing the treaties, including regulations, directives, and decisions. In addition to mandatory normative acts, non-binding acts issued by European Union institutions, such as recommendations and opinions, have also been included, as well as others such as declarations, resolutions, or framework decisions. Within the content of the *acquis communautaire*, we also find acts adopted within Union policies, including crucial areas such as the Common Foreign and Security Policy or cooperation in the field of Justice and Home Affairs. Acts in this category include joint actions, signed conventions, common positions, as well as resolutions and declarations adopted by member states (www.schengen.mai.gov.ro).

The scope of the acquis is completed by other relevant elements, namely international agreements concluded by the European Communities or by member states in relation to the Union's activities. Additionally, the case law of the Court of Justice of the European Union, as well as the General Court (formerly the Court of First Instance), represents an integrated part of the acquis, as it contributes to the interpretation and application of European law (www.schengen.mai.gov.ro).

A full understanding of a community act requires its analysis within the general context of community policies in the reference field. Thus, viewed from a similar perspective, the *acquis communautaire* includes not only de facto legal norms but also the political objectives and guidelines established and pursued through treaties. Detailed information regarding the purpose and objectives of community policies is presented in reference documents such as Green Papers and White Papers. The former, the Green Papers, are official documents prepared by the European Commission through which it launches public debates and consultations involving various stakeholders, including institutions, organizations, or economic actors. The other category of documents consists of White Papers, which usually contain the results of the debates and include concrete proposals for measures, legislative proposals, or adopted normative acts aimed at developing Union policies (www.schengen.mai.gov.ro).

In the phase of accession to the European Union, one of the main objectives that candidate states must fulfill is the harmonization of national legislation with the *acquis communautaire*. However, there are exceptions or derogations from these rules, but these are granted exclusively in situations classified as special and entail limited application. The *acquis communautaire* is protected by the European Union, which aims to maintain it in its entirety and continue to develop it as new challenges arise (www.schengen.mai.gov.ro).

3. The Impact of Migration on the Schengen Area

The European Union has faced massive flows of immigrants and a high volume of asylum requests; the pressure exerted on its borders and the challenges associated with receiving and managing a large number of foreigners generated a significant crisis that necessitated a reform of common asylum policies. The situation created by these unusual migratory flows placed the issue of migration at the forefront of the European political agenda and prompted the European Commission to develop and promote a common migration policy. The challenges related to migration and the need for robust legislation in the field generated tensions between member states and the Commission. The lack of consensus was subsequently reflected in the implementation of the 2015 Agenda on Migration, which proved to be an extremely slow process (Martinez et al., 2016).

Migration gradually became a critical issue for the European Union, with 2015 representing the peak of this phenomenon due to the exaggerated pressures placed on external borders. This situation led states to resort to extreme measures for migration management, such as the temporary reintroduction of internal border controls. The migration crisis was followed in 2020 by another severe crisis — the COVID-19 pandemic — which again prompted states to take harsh measures to limit the spread of the virus by introducing internal border checks (Mantu, 2021).

The Schengen system is often associated with the concepts of crisis and reform, yet its resilience emerged nonetheless. Although one might expect difficult situations and crises to result in the disappearance or weakening of the Schengen system, they conversely contribute to the consolidation of cooperation through transformations that lead to the shaping of new forms of governance and the innovation of administrative practices (Mantu, 2021).

Studies addressing this subject focus on analyzing the impact and effects of crises on the core principles of Schengen cooperation, and by extension, on its functioning and governance instruments/mechanisms. At the same time, they attribute particular importance to the position of individuals and the protection of their rights in light of the changes that have occurred (Mantu, 2021).

In the contemporary world, characterized by a high degree of both economic and political interdependence, the phenomenon of migration and migratory flows are at the top of government agendas due to their scale and complexity. Migration must be analyzed at a macro level, as it affects the entire European Union; however, in contrast to this vision, reactions are often individual at the member state level and differ according to specific interests and policies. Immigrants direct their attention especially toward safe and prosperous areas, and the European Union ranks at the top of the preferences for those seeking a better place to live, as it maintains a high level of economic development, offers quality public services, and provides political stability. The central factor stimulating internal migration is the varying level of economic development and the public policies promoted among member states. Although the gaps between European economies have narrowed over time, a real convergence does not yet exist; thus, asymmetry persists due to distinct policies and a lack of synchronization in economic cycles. Economic imbalances between states affect macroeconomic stability, which is reflected in the dynamics and optimal functioning of the labor market (Mantu, 2021).

Developed studies have shown that, in general, immigrants represent a more vulnerable category of the population in the integration process, both economically and socially. Furthermore, research has highlighted that obtaining citizenship — the process of naturalization — positively impacts immigrants, especially the first generation, in the sense that it contributes to increased income, the attainment of satisfying and long-term jobs, and a general improvement in the standard of living. However, there are also views suggesting that the success of integration is relative and depends on the relationship between causality and naturalization, as obtaining citizenship is influenced by the individuals' own positive perspectives on their integration (Șerban et al., 2020).

Naturalized immigrants, compared to others, enjoy a series of benefits that ensure a superior quality of life. These benefits include facilitated access to jobs in major companies or even the public sector. Employers often show reluctance to invest in the professional training of immigrants who hold temporary residence status. At the same time, income levels are influenced by the duration of stay; immigrants with a longer residence time are perceived as experienced and adapted to the labor market (Șerban et al., 2020).

It must also be noted that as the share of immigrants in the host country's general population increases, the challenges related to their integration become more pronounced. Research addressing migration has highlighted that trends show a gradual increase in the proportion of immigrants within the total population (Șerban et al., 2020).

4. Italy and the Challenges of the Schengen Area

In the process of constructing the European Single Market, the free movement of persons was conceived as a complement to the free movement of goods, services, and capital, aiming to optimize the distribution of production factors at the European level. However, the initiative was not limited to the simple elimination of internal border controls; it also aimed to establish a broad mechanism of cooperation between states in essential areas such as security and the management of migratory flows. In this context, Italy remained outside the initial core of the initiative, primarily due to France's reluctance. Authorities in Paris expressed concern over the lack of a firm Italian policy in the field of immigration control and feared that, in the absence of effective common border controls, Italy could become an easy entry point into Central and Northern Europe for illegal immigrants from the Balkans, the Middle East, and North African and sub-Saharan regions (Paoli, 2018).

Between 1980 and 1990, migration proved to be a real problem for major European states. The most representative example is the relationship between France and Italy, which was deeply marked by how they managed immigration and its influence on the policies practiced and decisions adopted by both countries, whether internally or in the European integration process. At the beginning of the 1980s, Italy faced an accelerated increase in the flow of immigrants, resulting from various external reasons, such as the oil crisis and the adoption of restrictive measures in Central and Northern European states. These policies drove significant masses of foreigners to migrate illegally to Mediterranean states, with the majority choosing the Italian peninsula. This high flow of immigrants represented an unusual phenomenon for Italy, which had previously been noted as a country of emigration where the population moved toward destinations with higher living standards, but which had meanwhile become an attractive destination for immigrant flows. Under these conditions, Italy was forced to analyze its situation and establish new political, social, and economic priorities (Calandri, 2025).

The sudden increase in migratory flows was an unprecedented phenomenon for Italy — transforming an emigration country into a destination for mass immigration for the first time — forcing the country to redefine its political, social, and economic priorities. From the outset, immigration faced the limitations of the Italian government, which failed to establish a unified and effective regulatory framework until February 1990, with the adoption of the Martelli Law.

The founding states of the Schengen Area decided to expand and develop the project, thus offering the opportunity for other interested

European states to join. The primary task of candidate states was to prove their capacity to fulfill the objective of dismantling Europe's internal borders. In the 1980s, Italy viewed the Schengen initiative with skepticism, which is why it did not manifest a will to join, nor did it demonstrate the capacity to meet the task of eliminating borders. These are the main arguments explaining Italy's absence among the project's first participants. Furthermore, the five founding states of the Schengen Area shared a generalized lack of trust regarding Italy's potential contribution to the development and consolidation of the initiative (Zaiotti, 2011).

Italy's situation was distinct because, along with the five states that initiated the Schengen project, it had laid the foundations of the European Community. The political elite in Rome considered the country's non-involvement in the new European project a political failure. The Schengen initiative was seen as a derivative of the European project intended for long-term development. Italy had declared itself a Europeanist state dedicated to its cause, and its non-participation in the Schengen Area was considered inconceivable. Italy's absence was understood in a similar way by the founding members, as the message they conveyed could be misinterpreted (Zaiotti, 2011).

Italy's first intentions to join the Schengen Area were manifested at the end of 1985, when representatives of the Italian Ministry of Foreign Affairs held discussions with French counterparts regarding Schengen conditions and the possibility of integration. Initially, a bilateral agreement was sought to encompass the requirements of the Schengen conventions. Discussions were abandoned following deadlocks regarding the harmonization of visas. Italy was not open to negotiating its relations with North Africa and Turkey, while Germany and France imposed a series of measures that had to be implemented promptly. Italy's position caused Schengen members to develop a reserve regarding the peninsula's integration, as it would have exposed the area to possible mass immigration (Zaiotti, 2011).

Although Italy wished to join Schengen cooperation to achieve the goal of a Political Union in Europe, the conditions imposed by the French represented barriers difficult to overcome. A real problem that needed solving to open the way for accession negotiations was the lack of solid migration legislation. Another impediment was the traditional vision of Italian foreign policy, which stood in contrast to French requirements. Italian foreign policy was centered on strengthening influence in the "enlarged Mediterranean", which implied consolidated economic relations and mild migration policies with countries in the western Middle East and North Africa. Italy's strategy for the Mediterranean area was not favored by France and other Schengen members, who imposed clear conditions for continuing cooperation (Calandri, 2025).

Dialogue was resumed a year later, in the summer of 1987, when Italy manifested its desire to be part of the agreement. Thus, Italy officially submitted its application to join the Schengen Area, which was analyzed and received member approval, but with several conditions: the full acceptance of the acquis (which had reached a higher level) and that the accession process would not slow down ongoing procedures. Additionally, several informal requirements were requested, namely the introduction of visas for North African states and Turkey, and the denunciation of the "geographic reservation" which specifically addressed asylum seekers in Eastern Europe. Following the acceptance of these conditions and the commitment to fulfill the outlined objectives, Italy was accepted into the Schengen Area and initially granted observer status. Starting in the fall of 1987, Italian diplomats and designated specialists participated in various Schengen group meetings (Zaiotti, 2011).

The late 1980s and early 1990s represented a delicate period that generated sensitive debates on immigration in Europe, prompting European governments to prioritize the phenomenon on political agendas. Immigration also became the primary concern of media debates during that period. The general perception in Italy, France, and other European states was one of hostility toward the presence of foreigners, due to the predicted negative impact on the economy, culture, and social relations. This reluctance was reflected in the political results of several European countries, including Italy and France, where parties promoting anti-immigration measures gained ground (Calandri, 2025).

The events of the late 1980s prompted the Italian government to prepare a law to manage the problem of foreign immigration more effectively. Thus, in the summer of 1989, debates began on the migration law, popularly known as the Martelli Law. Reaching a compromise proved difficult due to legislative opposition from conservative political forces such as the Republican Party and the Northern League. Following a consensus on certain amendments, the law was adopted by the Italian legislature in the spring of 1990 (Calandri, 2025).

The Martelli Law proved to be an important step toward the goal of joining the Schengen Area, as it introduced a package of essential and innovative measures in managing foreign migration, consolidated the country's position at the European level, and convinced France that Italy had the necessary capacity to join the cooperation project (Calandri, 2025).

The new legislative framework regulated several areas that had previously faced legal ambiguities. Key regulations included the redefinition of refugee status and the introduction of "flow planning" (*programmazione dei flussi*), which clearly defined procedures for the reception, rejection, and residence rights of foreigners. Furthermore, the law abolished the "geographic reservation" principle, which had been criticized by Western countries as it limited refugee status primarily to immigrants from Eastern European countries. This had been one of the main obstacles to Italy's Schengen accession, as it fueled French opposition (Calandri, 2025).

Italy's full accession to the Schengen Area took place in 1990, when it became a full member. Among the final actions taken by Italy was the strengthening of external borders and the adoption of new immigration laws (EU Commission Decision, 2019), including the removal of the geographic reservation for Eastern European asylum seekers and the introduction of visas for countries considered to have high immigration potential (Zaiotti, 2011). As of March 31, 1998, the full application of the Schengen acquis was realized in Italy.

Another milestone was 1997, with the signing of the Treaty of Amsterdam, which integrated the Schengen Acquis into European Union law (both primary and secondary). Regarding visa policy, the Treaty was followed by Regulation 574/99, which established the "black list" of third countries whose nationals required a visa. Since then, European legislation has been continuously updated to meet the challenges of Schengen expansion (Zampagni, 2011).

Geographically, Italy occupies a strategic position, often being the first point of entry for asylum seekers. in 2021, Italy ranked fourth in the EU for arrivals (45,200), following Germany, France, and Spain. Studies show that prior to 2018, Italy granted three types of status: refugee status, humanitarian protection, and subsidiary protection. The Salvini Decree (2018) replaced humanitarian protection with "special protection" and established stricter conditions for reception (De Tona et al., 2023).

Migration in Italy has shown an upward trend since 1990. Literature identifies two major waves: the first (1992–1998) driven by conflicts in the Balkans (Kosovo, Bosnia), and the second (2010–2018) triggered by the "Arab Spring" and conflicts in the Middle East (Iraq, Syria, Yemen). While arrivals slowed in 2018–2019, they began to rise again in late 2020 and 2021 (De Tona et al., 2023).

The most challenging year was 2014, with approximately 170,000 arrivals, a record later surpassed in 2016 with over 180,000. By 2018, arrivals dropped by over 87% compared to 2016 (Terlizzi, 2019). Consequently, the EU and Italy have shifted toward a vision centered on security and border control, often placing asylum protection and integration policies in a secondary position (Martinez et al., 2016).

5. Conclusions

The research results demonstrate that Italy's geographical position grants it a pivotal role in the management of migration and the external borders of the Schengen Area. Constant pressures on states located at the external borders of the Schengen Area have steered governments toward adopting radical measures for limited periods, such as the reintroduction of internal border controls by certain member states, which resulted in the temporary alteration of the principle of free movement. Furthermore, the research highlighted that the phenomenon of immigration influences European security policies and community solidarity mechanisms, particularly regarding the distribution of responsibilities among states.

The conclusions emphasize the necessity for the evolution of cooperation at the European level, specifically through the strengthening of external borders and the implementation of common asylum and migration policies — all aimed at ensuring the sustainability of the Schengen Area. Italy has stood out as a key actor in this context, highlighting the challenges that immigration poses to the functioning of the Schengen Area and, by extension, the European Union, as well as the opportunities that a well-managed flow of immigrants can generate.

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Reshaping Global Value Chains: Nearshoring to Central and Eastern Europe in the Post-Covid Era

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Abstract: This article examines the structural reconfiguration of Global Value Chains (GVCs) with a specific focus on the nearshoring trend toward Central and Eastern Europe (CEE) following the COVID-19 pandemic. It explores how the disruption of long-distance supply chains has forced multinational enterprises to prioritize resilience and proximity over traditional cost-minimization models. The study identifies the CEE region as a strategic beneficiary of this shift, analyzing the drivers of investment such as geographical proximity to Western European markets, digital infrastructure, and skilled labor. By utilizing SWOT and Input-Output analyses, the research offers insights into the sustainability of nearshoring as a long-term economic strategy and its implications for regional development in a volatile geopolitical landscape.

Keywords: *global value chains, nearshoring, CEE region, supply chain resilience, post-COVID economy*

J.E.L. Classifications: F23, F63, R11

1. Introduction

The world of international business is undergoing a profound transformation, shaped by a confluence of factors that transcend borders and cultures. Traditionally, global value chains (GVCs) were designed to maximize efficiency through offshore production in distant, low-cost markets. However, the disruptive power of the COVID-19 pandemic, coupled with rising transportation costs and changing geopolitical dynamics, has caused the dynamics of the manufacturing industry to evolve at an unprecedented pace. This article delves into the pivotal trend of nearshoring, exploring how Central and Eastern European (CEE) countries are repositioning themselves as strategic hubs for multinational enterprises seeking resilience over mere cost-minimization.

By examining the intersections of economics, technology, and regional policy, this article sheds light on the challenges and opportunities that define the future of production in the post-COVID era. As indicated in this template, the manuscript is concise and aims to provide an adequate background on why GVCs are being reshaped toward regional clusters. The introduction states the objectives of the work while avoiding a detailed literature survey at this stage.

Furthermore, the manuscript is structured to contain answers to the following essential questions:

- What is the current problem regarding the fragility of long-distance supply chains?
- What has been done by other researchers regarding nearshoring and where can this study contribute to the CEE context?
- Which methods or tools, such as SWOT and Input-Output analysis, were used to evaluate regional attractiveness?
- What are the results regarding the successful relocation of business ventures to CEE?
- What is new and good about the current nearshoring trend, and what logistical constraints remain a challenge?

The objective is to highlight the evolution of the most successful international business ventures in the region, offering valuable insights for stakeholders navigating the dynamic global economic ecosystem. Through this analysis, we aim to demonstrate that professional supply chain management in the post-pandemic world requires an interdisciplinary study of both geographical and digital factors.

2. Literature Review

The fundamental question addressing the reconfiguration of Global Value Chains (GVCs) is whether "nearshoring" to Central and Eastern Europe is a transient reaction to a crisis or a sustainable shift in international business strategy. To answer this, we must analyze the theoretical transition from "efficiency-seeking" to "resilience-seeking" models. According to Javorcik (2020), the pandemic acted as a global catalyst, exposing the extreme fragility of "Just-in-Time" supply chains that relied heavily on distant manufacturing hubs. In this context, the CEE region has emerged as a primary destination for "nearshoring"—the relocation of production to countries that are geographically and politically closer to the end consumer markets of Western Europe.

From the perspective of international management, this shift aligns with the core objectives defined by Militaru (2009), specifically the diversification of supply sources and the minimization of competitive risk. However, post-2020 research suggests a more complex motivation. As noted by Gereffi (2021), the "shortening" of value chains is driven by the need for "strategic autonomy" within the European Union. This means that CEE countries like Romania, Poland, and Hungary are no longer viewed merely as low-cost labor providers, but as essential pillars of a regionalized industrial ecosystem. The "nearshoring" phenomenon thus becomes an international business venture where geographical proximity acts as a hedge against global logistical shocks.

Furthermore, the role of digitalization in this reconfiguration cannot be overstated. Recent studies by Kahanec et al. (2020) emphasize that for nearshoring to be successful in the CEE region, it must be accompanied by a "digital twin" strategy. This involves the use of blockchain for end-to-end supply chain transparency and AI-driven predictive logistics to manage regional flows. As Jaradat and Stan (2023) observe in their analysis of international business trends, the ability to integrate advanced technology into traditional sectors is what distinguishes successful regional hubs from stagnant ones. This technological integration addresses the traditional "cost-quality" trade-off, allowing CEE to offer high-tech manufacturing solutions that remain economically competitive.

Finally, the literature highlights a significant shift toward "sustainability-driven" nearshoring. According to Rye and O'Reilly (2021), the pressure to reduce carbon footprints (Scope 3 emissions) is forcing multinational enterprises to favor shorter transport routes. By moving production from Asia to CEE, companies can significantly lower their environmental impact, aligning with the EU's "Green Deal" objectives. This adds a layer of "ethical integrity" to the nearshoring business model, where environmental compliance becomes a market entry requirement. Consequently, the contemporary literature suggests that the reshaping of GVCs toward Central and Eastern Europe is a multi-dimensional process defined by three critical drivers: logistical resilience, digital transformation, and environmental sustainability.

3. Methodology

The current research is designed as a qualitative and exploratory study, focusing on the strategic shift of Global Value Chains (GVCs) toward the Central and Eastern European region in the post-pandemic era. In order to ensure technical accuracy and provide a comprehensive overview, the research has several main objectives:

a) To investigate the current state of international business regarding the relocation of manufacturing and service hubs to CEE;

b) To explore and define core concepts such as: nearshoring, supply chain resilience, and the digitalization of regional value chains;

c) To identify the structural and logistical problems the current regional system is facing during the transition from global to regional production models.

Thus, the main research question of the current article is:

"To what extent does the CEE region provide a sustainable and resilient alternative for Global Value Chains seeking to mitigate risks through nearshoring?".

To answer this question, the study utilizes four qualitative research hypotheses adapted to the current economic climate:

Hypothesis 1: The globalization of production will increasingly shift toward regionalization, with CEE markets playing a significant role as "nearshore" buffers for the Western European economy.

Hypothesis 2: The relationship between geopolitical stability and international supply chain business will become more intertwined, impacting host selection and investment deals in complex ways.

Hypothesis 3: Successful nearshoring ventures in CEE will be characterized by their ability to leverage data analytics and digital twin technologies for real-time supply chain decision-making.

Hypothesis 4: International value chains in the region will face ethical and regulatory challenges related to carbon footprint reductions and environmental standards, requiring innovative green logistics solutions.

In order to answer these questions and validate the hypotheses, two main research methods used in international business management are applied: SWOT analysis and input-output analysis. These tools allow for a structured evaluation of the inputs (technology, policy, proximity) and the resulting outputs (efficiency, resilience, sustainability) that define the nearshoring phenomenon in Eastern Europe.

4. The Current Landscape in Nearshoring

As of the current post-pandemic recovery phase, the landscape for international business and Global Value Chains (GVCs) in Central and Eastern Europe (CEE) is undergoing a structural shift of unprecedented proportions. The sports, manufacturing, and technology industries alike are highly dynamic, and the environment has evolved significantly as multinational enterprises (MNEs) transition from global efficiency models to regional resilience frameworks. This landscape is no longer defined solely by cost-saving measures but by the strategic necessity of proximity and reliability.

4.1. The Paradigm Shift: From Globalization to Regionalization

First and foremost, the globalization of production is being systematically reshaped into regional clusters to ensure revenue generation and supply stability in an increasingly volatile world. For decades, the dominant international business strategy was "offshoring" — moving production to distant, low-cost markets. However, the COVID-19 pandemic acted as a global stress test, exposing the fatal flaws of over-extended logistics.

CEE nations, by offering geographical proximity to Western European consumer centers and full integration into the European Union's legal framework, have become the primary beneficiaries of this “nearshoring” trend. This shift leads to increased bilateral investment deals and the creation of a thriving ecosystem of international business partnerships where speed-to-market is the new currency. Moreover, hosting these regional hubs allows CEE countries to showcase their economic potential and attractiveness to global investors, fostering international trade and diplomatic ties. However, this globalization presents challenges, including navigating regulatory differences, cultural nuances, and the need for international business professionals to adapt their HR and management strategies to specific regional sensitivities.

4.2. Technological Advancements as Enablers of Nearshoring

Technology has revolutionized supply chain visibility and the way stakeholders engage with complex production processes. In the current landscape, “nearshoring” is not just a geographical move but a technological upgrade. Through digital platforms, blockchain, and real-time tracking, international brands can monitor their value chains across CEE borders with surgical precision. This heightened engagement translates into increased operational efficiency, reduced waste, and improved brand recognition.

Furthermore, data analytics and performance-tracking technologies have become essential tools for managing regional manufacturing and logistics hubs. They provide crucial insights into logistics performance, workforce productivity, and market trends, enabling informed decision-making for diverse international audiences. Technological advancements have also facilitated remote collaborations, breaking down geographical barriers and allowing CEE-based facilities to be managed as integrated “digital twins” of their Western headquarters. This digital integration ensures that the quality standards and operational rhythms of the parent company are maintained seamlessly across borders.

4.3. Geopolitical Factors and the "Friend-shoring" Phenomenon

Political tensions and diplomatic relations directly influence the selection of host nations for nearshoring projects. In the post-COVID era, "nearshoring" has frequently evolved into "friend-shoring," where companies relocate production to countries that share similar political values and stable alliances. Geopolitical factors shape investment deals and endorsements, as businesses must carefully navigate political sensitivities to avoid supply chain disruptions caused by sanctions or trade wars.

Understanding the geopolitical climate is crucial for avoiding controversies and reputational risks in the CEE region, particularly given its proximity to the Eastern borders of Europe. Furthermore, the political stability and infrastructure capabilities of host nations remain key considerations for international business planning. The CEE region's alignment with EU standards provides a "security premium" that offsets slightly higher labor costs compared to distant Asian markets. This stability is vital for long-term investments in physical plants and localized supply networks.

4.4. E-services, Virtual Logistics, and Innovation

The rise of digital infrastructure in CEE has led to the growth of e-services and virtual administrative support systems. This presents a unique opportunity for technology companies to tap into the labor market and reach a younger, tech-savvy demographic. Virtual logistics — simulated scenarios for inventory management and border crossing compliance — have become a response to the demand for digital efficiency.

International businesses are capitalizing on this by developing virtual content and immersive training experiences for their regional workforces, creating new avenues for revenue generation and operational excellence. This rapid growth underscores the adaptability and innovation required in the evolving landscape of international business. As these digital tools continue to flourish, they present exciting opportunities for businesses to engage with global audiences in innovative ways, turning CEE into a hub for digital-industrial synergy.

4.5. Sustainability Initiatives and "Green" Nearshoring

The global reach of reshaped value chains provides a powerful platform for driving positive change on sustainability issues. Nearshoring to CEE allows organizations to champion sustainable practices, such as drastically reducing carbon footprints by shortening transport routes from thousands of kilometers to mere hundreds. These initiatives align with evolving consumer preferences, as fans and stakeholders become increasingly conscious of environmental and social concerns.

By adopting sustainable manufacturing practices, sports and industrial organizations in CEE gain a competitive advantage and strengthen their brand reputation in a global market. Moreover, sustainability initiatives often translate into cost savings and long-term financial benefits through investments in renewable energy and eco-friendly factory designs. This "Green Nearshoring" is no longer an ethical choice but a business necessity driven by EU regulations and the global demand for responsible production.

4.6. Challenges and Ethical Integrity in Regional Hubs

Despite the benefits, the current landscape is not without significant challenges. Ethical challenges encompass concerns such as fair labor practices, transparency in governance, and athlete/worker welfare. These issues transcend borders, as international production events involve stakeholders from various nations. Ethical lapses can lead to controversies that reverberate globally, affecting sponsorship deals, investment viewership, and consumer trust.

Therefore, international businesses seek to partner with regional organizations and host nations in CEE that uphold high ethical standards. Addressing these challenges and promoting responsible conduct is essential to maintaining the integrity of the industry. International organizations play a crucial role in setting these standards and enforcing them globally, thereby contributing to fair and clean competition in the international business arena. Maintaining this ethical integrity is the only way to ensure the long-term sustainability of the nearshoring model in Central and Eastern Europe.

5. Findings

The results of the analysis indicate that the CEE region is currently in a "strategic window of opportunity." The disruption of global logistics has transformed the region's geographical position into a premium asset for international business. The following tables summarize the findings regarding nearshoring potential:

Table 1. SWOT Analysis regarding Nearshoring to CEE.
Source: Author's own elaboration (2025).

Strengths	**Weaknesses**
Geographical proximity to major Western European consumer markets;	Rising energy costs and inflation affecting operational margins;
Integration into the EU legal and economic framework;	Labor shortages in high-tech manufacturing sectors;
Strong industrial tradition and skilled engineering workforce.	Infrastructure gaps in secondary regional hubs.
Opportunities	**Threats**
Digitalization of supply chains and adoption of Industry 4.0;	Prolonged geopolitical instability in the Eastern neighborhood;
"Green nearshoring" to meet EU carbon reduction targets;	Intense competition from other emerging regional clusters;
EU funding for regional resilience and infrastructure.	Potential protectionist policies in major export markets.

Table 2. Input-Output analysis regarding the future of GVCs in CEE.
Source: Author's own elaboration (2025).

INPUT	**OUTPUT**
1. Strategic Nearshoring: Relocating production closer to end-markets to reduce lead times.	1. Supply Chain Resilience: Increased ability to withstand global logistical shocks.
2. Digital Twin Implementation: Using virtual models to monitor supply chain flows.	2. Enhanced Visibility: Real-time tracking and optimized inventory management.
3. Sustainable Logistics: Investing in eco-friendly transport and shorter routes.	3. Carbon Footprint Reduction: Alignment with global environmental standards.
4. Policy Incentives: National and EU-level support for industrial relocation.	4. Regional Economic Growth: Job creation and increased FDI in the CEE region.

6. Conclusions

The future of international business and Global Value Chains is poised for dynamic transformations, driven by an array of evolving trends that will reshape the industry in the post-pandemic era. As demonstrated throughout this study, the shift toward nearshoring in Central and Eastern Europe represents a strategic pivot from global cost-efficiency to regional resilience and security. Globalization will continue its relentless march, but in a more fragmented and regionalized form, as CEE markets expand their reach into the industrial core of the European Union, fostering unprecedented revenue streams and a more diverse, global fan base of investors.

Technology will remain a linchpin in this transition, with augmented reality, data analytics, and virtual twin experiences redefining how multinational enterprises manage their production sites and engage with regional stakeholders. The implementation of digital tracking and AI-driven logistics is no longer an optional upgrade but a fundamental requirement for maintaining competitiveness in a volatile market. Changing consumer preferences, marked by a heightened emphasis on sustainability, personalized corporate experiences, and social responsibility, will continue to push CEE organizations to adapt and innovate their service offerings.

Furthermore, the complex interplay of geopolitics and international business will demand strategic agility and rigorous risk management from both policymakers and private entities. As nearshoring further blurs the lines between physical production and digital oversight, it opens new frontiers for international business ventures that prioritize stability over distance. Ethical integrity and governance transparency will reach new heights, offering global companies opportunities to connect with the region’s immense economic potential while upholding high standards of conduct.

In this ever-evolving landscape, maintaining a balance between economic efficiency and social welfare will be paramount for ensuring the industry's long-term sustainability. As international business in the CEE region charts its course into the future, it must harness these technological and logistical trends to create innovative, inclusive, and ethically sound opportunities that captivate global audiences and secure the region's role as a vital hub in the new global economy.

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The Convention for the Protection of the Profession of Lawyer: What (not) to Expect and what to Hope for?

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To the honorable members of the Bar Association of Serbia
for their support of our students

Abstract: Through the lens of the ever-present legal cliché of motive, means, and opportunity, the author will examine the motives behind the adoption of the Convention on the Protection of the Legal Profession. Also, the paper examines which means were used to provide international protection for lawyers. All of this is intended so to answer the question of whether the opportunity was seized to create an adequate system of guarantees and an effective control mechanism capable of protecting lawyers and bar associations. In the paper, the author concludes that the substantive legal guarantees, especially those whose beneficiaries are the bar associations, are of crucial importance for ensuring the independence of the legal profession. However, a bitter taste remains since the control mechanism for implementing the Convention does not provide an effective system of protection for lawyers and their associations. The observed symptoms are not, however, incurable. It remains to be seen whether additional protocols to the Convention could make its protection mechanism effective.

Keywords: *rights of lawyers, international protection, control mechanism*

J.E.L Classifications: K33, K49, F53

1. Introduction

The role of the legal profession as the watchdog of the rule of law does not require specific elaboration. It is self-evident.

In legal literature, it is often pointed out that the most effective international mechanism for the protection of human rights is the one established within the framework of the Council of Europe through the adoption of the European Convention on Human Rights and Fundamental Freedoms. Half of the success in the advancement of human rights in Europe, achieved through the creative judicial interpretation of the Convention can be attributed to the judges; the other half of the success must be credited to the lawyers who represent their clients before the court.

Had there been no lawyers presenting arguments before the European Court of Human Rights, there would have been no stimulus for the ECtHR to open its doors to creative thinking. Time and again, lawyers emerge as human rights defenders not only through the creativity of their arguments before European or other courts but also through their on-the-ground advocacy for their clients, social activists, and those unjustly persecuted and arrested. In performing their noble task, lawyers are often both the first and the last line of defense of the rule of law. This sometimes places them in the crosshairs of the public authorities, which is why they require specific protection.

And while today we discuss the Convention aimed at the protection of the legal profession we are witnessing not only individual attacks on lawyers but also organized attacks by public authorities on bar associations. As you may be aware currently there is a trial underway in Turkey, where the entire executive board of the Istanbul Bar Association is being prosecuted (Human Rights Watch, 2025). The members of the Istanbul Bar Association are on trial because of a statement in which the association condemned the killing of two journalists who are suspected of having been killed in a drone attack by Turkish forces. The Turkish prosecutor's office characterized the statement condemning the attack on journalists as "making propaganda for a terrorist organization" and "publicly disseminating misleading information."

Although in my country the executive board of the bar is not (yet) on trial, the Bar Association of Serbia, to which I belong, has been under attack by public authorities for months. The reason for these attacks is the unanimous support of lawyers and the bar association for student demands and protests aimed at achieving the rule of law. As part of its support for the student protests, the Bar Association of Serbia has repeatedly declared a complete cessation of work (strike) by lawyers. The last time this was done, the President of Serbia announced the adoption of a new law on the legal profession which would enable a system of parallel bar associations that the state could control, noting that lawyers would be held accountable for criminal offenses (referring to the lawyers' strike) (Vreme, 2025).

2. Motive

The core motivation, and simultaneously the cause for the adoption of the Convention, lies in the need to respond to the increasingly frequent pressures that lawyers face in the exercise of their profession. Suspicions regarding the increased vulnerability of lawyers were also examined within the framework of a feasibility study, which was commissioned by the European Committee on Legal Co-operation (CDCJ) in April 2020 (McBride, 2021).

At the outset of the study, it is stated that: "The problems faced by lawyers in Council of Europe member States with respect to the independent and secure exercise of their profession can be regarded as falling into two broad groups; (a) those affecting individual lawyers and (b) those of an institutional character" (McBride, 2021, p. 11).

The existence of two distinct groups of problems faced by the legal profession is of key importance for understanding the motives behind adopting a new Convention. Namely, the nature of the problems faced by the legal profession and the specificity of the subjects requiring protection are such that they demand protection instruments which are different from those offered by the control mechanism of the ECHR.

In the part relating to issues concerning individual lawyers, the European Court of Human Rights has provided certain protection in its existing case law, to the extent that these issues fall within the scope of application of the ECHR *ratione materiae*. These mostly concern issues that can be subsumed under Articles 8 and 10, and Article 1 of Protocol No. 1. In that regard, the ECtHR has established and repeatedly affirmed the right to confidentiality of communication between lawyer and client (Denysyuk and Others v. Ukraine, App. No. 22790/19, para. 101). The Court also indicated the importance of respecting the integrity of the lawyer's office, prescribing stricter standards under which the search of an office may be conducted by public authorities (Roemen and Schmit v. Luxembourg, App. No. 51772/99). Equally important, the Court has taken a stand that the freedom of expression of lawyers in relation to the exercise of their profession can be restricted only in exceptional circumstances, and that lawyers enjoy a higher degree of protection of this freedom due to the nature of their profession (Nikula v. Finland, App. No. 31611/96).

While acknowledging the contribution made by the ECtHR in the field of the protection of lawyers, it is clear that the scope of the Court's jurisdiction and the Convention's field of application *ratione materiae* are such that, even with a high degree of judicial creativity, certain rights which are of crucial importance to the legal profession cannot be successfully protected in that forum. This refers primarily to the preservation of the independence of the profession. Such guarantees presuppose that certain rights are afforded not only to individual lawyers but also to bar associations, which must be independent and self-governing.

Furthermore, the preexisting standards of protection for the profession of lawyer in the form of soft law proved to be an insufficient means for securing the guarantees that lawyers require to exercise their profession freely (Savu, 2021).

3. Means

So, what are the means that the Convention employs to provide adequate protection to the legal profession at the international level?

- **Substantive legal guarantees**

As mentioned above, the Convention firstly offers substantive legal guarantees which link two different subjects that are being protected: individual lawyers and bar associations. Regarding the guarantees enjoyed by **individual lawyers**, we encounter expected safeguards such as freedom of expression, confidentiality of correspondence and client-lawyer confidentiality, the freedom to accept and refuse client representation, and the freedom to inform the public about their services (Council of Europe Convention on the Protection of the Profession of Lawyer [CETS No. 229], 2024, arts. 6–7).

In addition to these rights, individual lawyers are also guaranteed the right to unhindered access to the client (including a client who is deprived of liberty), the right to effective access to files and case materials in the possession of public authorities that are relevant to the provision of legal assistance, the right to actively participate in judicial and other proceedings, and to have unhindered communication with judicial and other bodies. Although these rights do not come as a surprise, as we are accustomed to them within the corpus of guarantees implied by a fair trial (Loucaides, 2003), such guarantees are a novelty in terms of the subject who is the beneficiary of the guarantee. Namely, the right to a fair trial envisaged the aforementioned rights as the rights of the person being tried. In other words, these were not the rights of the lawyers themselves, but rather the lawyers derived them from the rights of their clients. Now, lawyers can seek the fulfillment of these guarantees, in their own right.

Regarding substantive legal guarantees, those relating to **bar associations** represent a far more significant step forward (Kullaj, 2025). Most importantly, "Parties shall ensure that the national legal and regulatory framework guarantees that professional associations are independent, self-governing bodies. Any election of their executive bodies shall take place in accordance with the applicable rules and without external interference" (CETS No. 229, 2024, art. 4).

The issue of independence and self-governance comes both as a lesson from history and as a reaction to the renewed attacks on the legal profession in certain fragile democracies. Regimes that aim to introduce complete or partial dependence of bar associations do so for particularly foul reasons: to shift the loyalty of bar associations from justice and the rule of law to the exclusive loyalty towards the political elite and its political "truth" (Uzelac, 2020).

The importance of this, first ever, international guarantee of independence and self-governance of bar associations cannot be overemphasized.

- **"Specific" mechanism established by the Convention**

The idea that, in addition to substantive legal guarantees, the Convention should also contain some form of international "control" mechanism emerged very early in the drafting process and remained a guiding principle until the final version of the text. The final version of the text already states in Article 1, entitled "Purpose of the Convention", that its purpose of the Convention is to establish a *specific mechanism* to ensure an effective implementation of its provisions by the Parties. An optimistic reading of the term *specific mechanism* would give hope that the formation of a *control mechanism* is forthcoming, alas, such an optimistic conviction turns to dust as soon as we are faced with the chapter III of the convention named *monitoring mechanism* (Explanatory Report to CETS No. 229, para. 12).

Monitoring aimed at the effective implementation of the Convention has been entrusted to the Group of Experts on the Protection of the Profession of Lawyer (GRAVO) (CETS No. 229, 2024, art. 10, para. 2). The Convention provides for three different forms of action for the GRAVO: regular evaluation procedures, urgent procedures, and the drawing up and publication of opinions of a general character.

Within the framework of the **regular evaluation procedure**, the GRAVO is authorised to conduct periodic, thematic evaluations. This will be done by selecting a theme from within the scope of the Convention for each evaluation period, on which GRAVO will collect data (CETS No. 229, 2024, art. 12, para. 1). The evaluation procedure is designed as a dialogue between the group and the member states, in which civil society and professional organizations may also participate. In relation to each of the signatory states, the GRAVO will publish a report and conclusions together with any comments from the contracting party to which the report relates. If there is a need, the Committee of the Parties to the Convention may adopt recommendations indicating the measures that the member state should take to implement the GRAVO's conclusions (CETS No. 229, 2024, art. 12, para. 7).

If GRAVO receives reliable information concerning an issue that requires a prompt reaction to avoid serious violations of the rights guaranteed by the Convention it may institute an **urgent procedure** (CETS No. 229, 2024, art. 13). When initiating an urgent procedure, the GRAVO will ask the member state to submit a report on the subject of the investigation, for which it may set an appropriate deadline, taking into account the urgency of the situation. In exceptional cases, a country visit may also be organised, which may include a wide range of individual actions aimed at establishing the relevant factual situation. After collecting the necessary data, the GRAVO will draw up the findings of the inquiry, which will be forwarded to the member state, and if necessary, to the Committee of the Parties, the Committee of Ministers, or even the Parliamentary Assembly.

To ensure more effective implementation of the Convention, the GRAVO is authorised to adopt and publicly **publish opinions** concerning general issues that are significant for all signatory states (CETS No. 229, 2024, art. 14). These opinions are not legally binding, but they can undoubtedly contribute to the harmonisation of the Convention's application and the clarification of dilemmas regarding the recommended course of action for member states on certain issues.

4. Opportunity

Instead of a conclusion, the author will examine the question whether the work on the Convention an opportunity sized, or an opportunity lost?

The inception of the Convention for the Protection of the Profession of Lawyer marks a new era of safeguards for those who answered the call to dedicate their lives fighting for justice. Substantive legal guarantees, especially those relating to the independence and self-governance of bar associations, truly represent a novum on the international scene. This guarantee will also have an impact on domestic law because many European states guarantee autonomy to their associations without an explicit guarantee of independence.

Regarding the substantive legal guarantees, we can say that the drafting of the Convention was an opportunity seized, but is this also the case when considering the provisions on control or, rather, monitoring mechanism? It seems that Convention's practical impact is undermined by structural weaknesses, most notably, the absence of a binding judicial enforcement mechanism (Amin, 2025). The powers conferred on the GRAVO by the Convention appear quite limited at first glance. It is also worrying that the control mechanism that the legal community had hoped for has been reduced to a monitoring mechanism, without a clear legal avenue that would allow for an orderly manner of individual or collective address to the GRAVO for the protection of Convention rights. However, one should not necessarily be a pessimist. This is only the first step in the internationalization of the protection of lawyers' rights. It is not excluded (and this has happened throughout the history of the Council of Europe) that at some point this Convention will get an additional protocol that would enable a form of quasi-judicial control of compliance with the Convention at the international level, or at least a rapporteur who could monitor the situation on the ground and receive complaints, as was done with the Special Rapporteur on Environmental Defenders to the Aarhus Convention (Decision VII/9 of the Meeting of the Parties to the Aarhus Convention, 2021).

By avoiding the principle of subsidiarity on which international judicial control mechanisms are based, this Convention opens up the possibility of early reaction by the international monitoring body already at the legislative stage, which can favorably influence the inter-institutional dialogue between the GRAVO, bar associations, and public authorities.

Reason for optimism is provided by experiences from earlier conflicts between bar associations and public authorities, when interventions by the CCBE and the UIA (Union Internationale des Avocats) contributed to alleviating tensions and finding favorable legal solutions.

More so, the monitoring mechanism established by this Convention will have better negotiating positions than international bar associations, which, in combination with the possible referral of a matter from the GRAVO to the Committee of Ministers, gives the group a solid negotiating position in the soft resolution of arising disputes.

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Cultivating a Culture of Service Excellence in Romanian Organizations

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Abstract: This study examines the process of cultivating a culture of service excellence in Romania, within the context of the economic transition toward a consolidated tertiary model. Although the service sector currently represents more than half of all active enterprises in Romania, its performance remains below the average of developed economies, indicating significant growth potential through the adoption of customer-oriented practices. The study proposes a five-stage model for building a culture of service excellence: This progressive approach allows organizations to validate effective behaviors, eliminate unproductive initiatives, and implement large-scale solutions that demonstrably improve customer satisfaction. Without claiming to have provided an exhaustive or rigorously scientific treatment of the phenomenon of changing service culture in Romanian organizations, I nevertheless believe that this paper offers possibilities for investigation and documentation in this interesting field.

Keywords: *customer, service culture, satisfaction, change, service*

J.E.L. Classification: L80, M14, Z33

1. Introduction

The share of different sectors – primary (hunting, fishing, forestry, agriculture), secondary (industry and construction), quaternary (information services), and tertiary (other services) – within a national economy characterizes its dynamism and strength. According to sources such as Eurostat and the OECD (Organisation for Economic Co-operation and Development), the tertiary sector (services) clearly dominates developed economies, concentrating the majority of active firms, employment, and value added. In OECD member countries, the transition from industrial and agrarian economies to economies dominated by professional services is confirmed by the large share of enterprises operating in the service sector (between 70% and 80%) and their contribution to GDP (between 65% and 75%). Japan and Germany, although heavily industrialized, hold a share exceeding 70% regarding firms involved in services. The United Kingdom, France, and the United States present the highest shares, exceeding 75-80% due to specialization in high value-added services. Romania is in an intermediate stage of the tertiarization process. According to the National Institute of Statistics (INS, 2023), 52.0% of all active enterprises had market services as their primary activity. Although this figure is significantly lower than the European average, the trend is upward due to the expansion of IT, transport, business services, and e-commerce.

Comparative Table. Share of the Service Sector (2023–2024)

Country/ Region	Share of Enterprises in Services (%)	Share of Services in GDP (%)	Key Observations
USA	78	77	Dominant Sectors: Professional Services, IT, Healthcare, Education
United Kingdom	80	78	The most tertiary-dominated European economy
France	76	72	Tourism, Public Services, Finance
Germany	72	69	Industrial Services, Transport and IT
Italy	75	70	Tourism and Business Services
Japan	70	71	Tech and Financial Services
Canada	78	75	Education, Healthcare, IT and Public Administration
OECD Average	74	72	Service-based economies
Romania (National Institute of Statistics, INS 2023)	**52**	**59**	Growing; expanding market services

Source: *Organisation for Economic Co-operation and Development (OCDE) "Enterprises by business size" (2023). INS Press Release – "Activity of enterprises in industry, construction, trade, and market services" (2023) Eurostat - "Structural business statistics overview" (2023). World Bank – "Services, value added (2023/2024). House of Commons Library – "Industries in the UK" (2023)*

Romania is following the transition toward a tertiary economy. The gap compared to the EU average (≈70%) shows the development potential of the service segment. However, a significant increase in added value is achieved through the development of a superior service culture. For this to be possible, leaders must recognize the importance of different roles and leadership styles compared to traditional ones. This will facilitate their access to a path, a methodology for transforming a traditional culture into a culture of service excellence that demonstrates its effectiveness across different organizations.

2. The Culture of Service Excellence

Ron Kaufman, the founder of UP! Your Service, is a global expert in the field of increasing customer service quality and creating service cultures within companies, and the author of the book *Uplifting Service: The Proven Path to Delighting Your Customers, Colleagues, and Everyone Else You Meet*. The core definition in Kaufman's book is: "Service is taking action to create value for someone else." That someone who needs service can be a customer, a supplier, a boss, or a colleague—it can be a community. The concern is to find out what value means for each of them.

To avoid losing customers, the first step organizations take is to deliver service at the level of their promises. For example, an organization can take an order, provide the service, and then go about its business. Or, it can interact with customers to deliver something more, something better — to surprise, delight, and attract more than just those who pay a fair price.

Superior services surprise in a very pleasant way, exceed expectations, and raise the standards of service delivery. For organizations, it means the preoccupation with obtaining a competitive advantage by exceeding what is traditional in the service industry because, ultimately, all organizations deliver "what is required." The goal is to increase customer satisfaction and loyalty and to build a positive reputation through recommendations and reviews, thereby ensuring a competitive advantage, increasing morale, employee engagement, and the retention of the best talent.

An organizational culture that stems from the idea of service excellence offered to customers is a culture that differentiates between good services and exceptional ones. A culture of service excellence is, first and foremost, a specific work environment.

A work environment specific to a superior service culture (also known as premium services or excellence services) is characterized by a combination of professionalism, refinement, total attention to detail, and customer orientation. The physical aspect of the work environment must convey refinement and care for comfort, starting from impeccable order and cleanliness to quality furniture, discreet scents, neutral and pleasant colors, warm and natural lighting, and quiet ambient music. Details are personalized according to the field (hotels, clinics, executive offices, luxury restaurants, etc.); every element is designed to anticipate the customer's needs.

In other words, a culture of service excellence presupposes a certain behavior and attitude from employees. Every employee understands that customer satisfaction is the absolute priority. Employee communication with customers is elegant and empathetic. This implies polite language, a warm tone, and a positive and calm attitude, without excessive familiarity. Personal presentation is impeccable: professional attire, adherence to the dress code, and attention to hygiene and posture. Employees demonstrate discipline and respect for procedures, meaning that behavioral and service delivery standards are respected. Internal collaboration is based on mutual respect and support. The team functions harmoniously, with each member contributing to the experience of excellence.

Dominant values and principles of a culture of service excellence are characterized by excellence and professionalism, always aiming to exceed customer expectations; respect and discretion for customers, without intrusion; innovation and adaptability through personalized solutions, not standard answers; and responsibility and ethics by taking ownership of service quality and acting with integrity.

Not all organizations succeed in implementing a culture of service excellence. In many cases, organizations do not include service excellence in their differentiation strategy. In Romania, we have a chronic service crisis, and companies dispute supremacy in the losing game of prices. Although customer expectations determine service excellence, many organizations define their own internal service standards. In other words, service excellence is not about what we think is excellent, but about what the customers think.

Ron Kaufman believes that Romania needs to build a service culture through a dramatic change that starts from attitudes and behaviors. Too often we hear: “I'm sorry (really?), I can't help you, that's our company's procedure”, while the employee has a sign behind the desk that says “The customer is our priority”. Instead of hearing “Hello, how can I help you? / I'm happy to be of help! / Thank you for coming, can I help you with something?”, we hear something like “What do you want? Yes! You'll find what you want over there! We have 30 minutes left before we close.” Service employees believe that those in front of them must behave nicely to them, otherwise, they will not serve them.

In the case of an organization, change must come from every employee, and this will lead to a change for the better at the organizational level and the industry level. Every link in the organization is responsible for the way they interact with the external customer, but also with the internal one, the colleagues. It is a matter of transforming the traditional culture in the service sector toward a culture of excellence, a transition from “it's not my job” to “what can we do to surprise the customer in a very pleasant way?”

3. Building a Culture of Service Excellence in Romania

In order to create a new service architecture, it is necessary to know our starting point. A diagnostic of the service culture is required. A classification into different organizational categories can be made when it comes to a culture of service excellence. Organizations distinguish themselves through four levels of service performance.

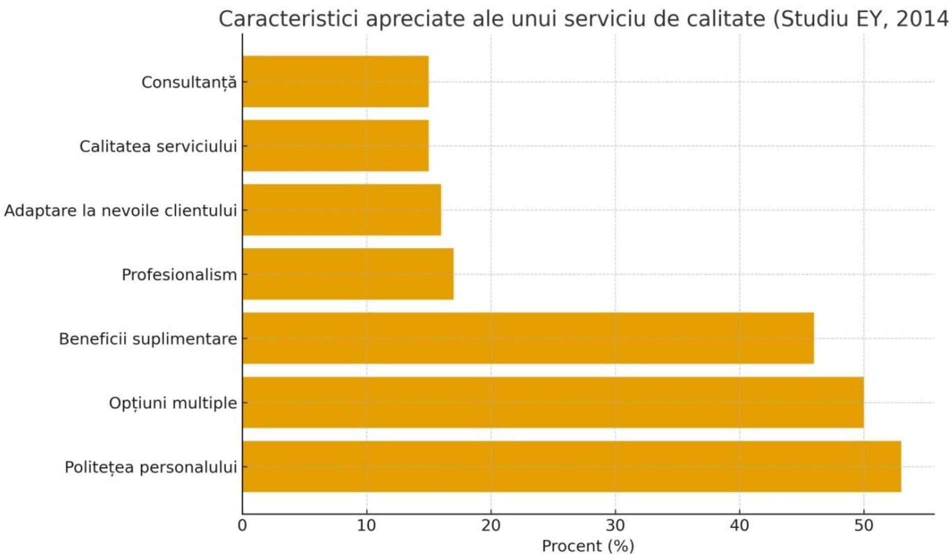
Organizations that lose the competition in the service market offer poor service experiences, neglect customer needs, ignore feedback and complaints, and either do not care or provide inadequate training to employees. The results of such behaviors are represented by low levels of customer satisfaction, negative recommendations, and business losses.

There are service providers that neither fail nor excel — meaning they offer mediocre services. Generally, they are not concerned with developing a clear service strategy and lack a vision to stand out by taking advantage of service improvement opportunities. The results show serious challenges in customer loyalty.

Service professionals consistently offer high-quality services and make customer satisfaction a priority; they are concerned with a deep understanding of customer needs, actively solicit feedback to resolve problems and improve service delivery, and invest in employee training and motivation. The results manifest through strong customer loyalty, a positive reputation, and sustainable business growth.

Service leaders set the standard of excellence in service delivery within an industry. These organizations constantly exceed customer expectations, permanently innovate in service delivery, and serve as sources of inspiration for other organizations wishing to imitate their practices. Whether they introduce industry-leading technologies or initiate new service models by redefining customer experiences, they can command premium prices while simultaneously enjoying a competitive advantage.

There is a study conducted in Romania by EY Romania in collaboration with Customer Focus, on a sample of 567 respondents from 38 counties, titled "The Superior Service Experience." The results of the analysis, based on responses to a 15-question questionnaire, show that the most important characteristics for quality service are politeness (53%), followed by the possibility to choose from multiple options (50%), and additional benefits offered within the same service (46%).



In addition to the mentioned characteristics, there were responses identifying other attributes that can determine the exceptional nature of services, such as: professionalism (17%); adaptation to customer needs (16%); and, tied, service quality and the provision of consultancy (15%).

Regarding the responsibility for ensuring superior services, this rests with the employees in direct contact with customers (41%), the organization through its policies (30%), and the managers (29%).

In cases where they are not satisfied with the services received, the reaction is to give up the respective service (67%), share the unpleasant experience (55%), or approach managers to resolve the case (42%).

86% of respondents would be willing to switch providers for one that offers better services, even if this involves losing proximity or incurring higher costs.

Only 15% of those surveyed responded that they had received an exceptional service in the last 6 months. On the other hand, 25% have never enjoyed such a service. The industries that, from the perspective of the respondents' perception, form the top 3 regarding service quality below expectations are telecommunications, tourism, and trade (Mediafax, Ana Maria Petcana, 2014).

After diagnosing the service culture and classifying the providing organization into one of the four performance levels, actions can be implemented to ensure the cultivation of a culture of service excellence in our country.

This involves the development of a 5-stage action plan:

STAGE 1. Communicating the Vision and Values that Define Excellent Services

For an organization to move from mediocre services to becoming service professionals or even service leaders, the communication of the vision and values cannot be formal or occasional. To inspire, the service vision must be clear, describe what excellent service means, and include inspirational elements such as: "We offer services that exceed expectations through politeness, flexibility, and added value."

The communication of the vision is not a one-time event; it must be done regularly at team meetings, in presentations, on internal platforms, and in newsletters.

STAGE 2. Transforming the Vision into Expected Behaviors

This is about empowering employees. Employees need concrete examples to become more engaged. For example, if the transmitted value is "politeness," specific behaviors might include: greeting the customer with a natural smile, a friendly and calm tone, and active listening. If the value is "flexibility," specific behaviors could be: adapting solutions to the presented situation and offering at least two options to the customer. These behaviors can be integrated into a service manual and training sessions.

To solve problems, adapt better to customer needs, and even respond more effectively to complaints, employees must be provided with the necessary autonomy and resources.

Managers, in turn, must exhibit behavior that inspires and positively influences employees. For instance, if the organization declares that politeness is important, managers must speak respectfully to employees, be available when employees need support, and handle complaints calmly.

It is useful to create Key Performance Indicators (KPIs) related to service behaviors. The vision must be measured; otherwise, it remains merely a statement. Examples of indicators could include customer response time, service delivery duration, the percentage of customers receiving at least two options, customer referral rates, and politeness scores. The vision transforms into a culture of service excellence only if it is integrated into internal procedures, employee evaluations, and promotions.

STAGE 3. Encouraging Collaboration and Continuous Learning

Collaboration is not optional for organizations aiming to reach the level of service professionals or leaders. An inclusive and supportive environment must be created. Such an environment allows team members to share, discuss, and challenge each other to create new ideas and service improvements. The mindset must be "us versus the problem" rather than "department versus department". Leaders should provide real examples where collaboration increased customer satisfaction and prevented complaints.

The idea that every role contributes to the customer experience must be conveyed. Thus, regular alignment meetings between front-line employees and support departments are useful, with managers participating as well. The common goal must be customer satisfaction achieved through value added to the service. The language used must be collaborative, such as "what can we do?" or "what support can I offer you?". Collaboration is strengthened by creating common working practices. The use of technology helps significantly by eliminating communication barriers between departments. Internal communication channels on Teams dedicated to excellent services can be created. Internal apps for sharing lessons learned are also useful. Platforms for tracking complaints and requests must be accessible to everyone.

Rewards should be shared among teams when the merit is collective. Cases where internal collaboration led to customer satisfaction, solved a problem, or saved a customer relationship should be highlighted. A "Service Team of the Month" can be awarded.

The culture of blame must be replaced by a culture of focusing on solutions and a culture of learning. Learning methods are multiple. Employees can participate in training sessions that develop communication skills, politeness and empathy, offering options and consultancy, and handling complaints. Employees with outstanding results can become mentors for their colleagues and share best practices. E-learning programs on digital platforms can also be utilized. In the case study method, internal success stories, comparisons with service leaders, and market studies (e.g., the 2014 EY study) can be used. Teams can also learn through projects while working on improving a service process, reducing waiting times, or redefining customer interaction.

STAGE 4. Discovering New Ways to Offer Customers Excellent Experiences

This stage involves listening to customers — meaning understanding the needs and problems they face to refine services to the level of excellence. There are concrete and effective methods for this.

One method is **Service Observation**. Through this method, managers and employees can observe actual customer behaviors, identify areas where they face difficulties, and notice moments where the service process "creaks."

Another method is actively **soliciting customer feedback** and using it to improve the service. Potential reasons for dissatisfaction, critical moments in the customer experience, and untapped service opportunities can be discovered.

The **"cross-functional innovation" meeting** method involves front-line teams, back-office teams, and managers meeting to discuss real customer problems and internal processes that hinder service excellence, coming up with creative solutions.

Customer Journey Mapping is the preferred method of service-leading organizations. The customer experience map highlights "wow" potential moments, areas where value can be added, and points of friction.

Customer Analytics is the method through which recurring preferences, hidden behaviors, and reasons for customer churn can be highlighted.

An accessible method is organizing **Idea Labs** with employees. Front-line employees are the ones who see problems and opportunities daily. In these workshops, impactful solutions or radical ideas can be identified.

Observing "leader" organizations is an effective method because service leaders are sources of inspiration.

STAGE 5. Experimenting with the New Service Culture

This is the process of testing the new service culture. A framework for conducting and evaluating experiments must be established. Thus, the purpose of the experiment will be clearly defined (What aspect of the new culture do we want to verify? What new behavior do we want to test? etc.). To evaluate the experiment, both quantitative and qualitative indicators must be set.

For example, **quantitative KPIs** could be: customer satisfaction, number of behavior-related complaints, number of interactions completed without escalations, frequency of observed "wow moments", and average resolution time. **Qualitative KPIs** could include: behavioral observations by managers, employee feedback, directly quoted customer feedback, and the level of internal collaboration.

The final result of the framework is a validated prototype of the service culture. The testing process allows the organization to identify which behaviors generate excellent experiences, eliminate unproductive ideas before large-scale implementation, refine the culture based on evidence rather than intuition, and prepare a gradual, safe, and scalable implementation.

4. Conclusions

The process of cultivating a culture of service excellence in Romania represents an essential stage in the national economy's transition toward a consolidated tertiary model, aligned with developed economies. Although the share of the service sector in Romania is increasing, the gaps compared to the average of OECD and EU states indicate the need to develop a systemic approach that transforms the customer experience into a sustainable competitive advantage.

The results of the presented analyses support the idea that service excellence cannot be achieved through isolated actions or by complying with minimal standards, but through a comprehensive cultural transformation. This transformation involves rebuilding mindsets, behaviors, and managerial practices, moving from a reactive approach to one oriented toward anticipating and exceeding customer expectations. The theoretical concepts proposed by Ron Kaufman—according to which superior services mean offering authentic value to someone else—are found at the foundation of this transition, emphasizing the central role of employee attitude and behavior in generating exceptional experiences.

The diagnosis of service culture highlights four levels of organizational performance: providers losing the competition, providers of mediocre services, service professionals, and service leaders. Progressing from one level to another requires the development of distinct organizational capabilities: strategic customer orientation, continuous learning capacity, innovation, and cross-departmental collaboration, all supported by visionary leadership. The EY Romania (2014) study confirms the relevance of this endeavor, showing that politeness, multiple options, and additional benefits are fundamental attributes of quality service from the consumers' perspective, and that responsibility for service excellence is shared among employees, managers, and organizational policies.

The proposed staged model — communicating the vision, transforming the vision into behaviors, encouraging collaboration and continuous learning, discovering new ways to create excellent experiences, and controlled experimentation — demonstrates that cultural change is an incremental but profound process. Consistent communication of the vision ensures employee alignment; redefining behaviors validates this vision in practice; and collaboration between departments eliminates internal barriers that limit the customer experience. Furthermore, the use of continuous learning methods (training, mentoring, simulations, case analysis, digital learning) consolidates employee skills and maintains the momentum of service improvement.

Discovering new ways to offer excellent services — through direct customer observation, feedback analysis, interdepartmental innovation, customer journey mapping, or data analysis — represents an evolutionary pillar of service culture. The final stage, experimentation, validates new practices within a controlled framework, using quantitative and qualitative indicators and allowing for the scaling of only those behaviors and solutions that generate a real impact on customer satisfaction.

In conclusion, service excellence in Romania cannot be achieved by adopting isolated techniques, but by implementing a coherent system of principles, behaviors, and processes that transform customer interaction into a constant expression of offered value. A culture of service excellence becomes sustainable when it is embraced at all levels of the organization, supported by leadership, and continuously evolves through learning, innovation, and experimentation. Thus, organizations can move from simple operational practices to a mature cultural model, where excellence is not a one-time goal, but a way of functioning.

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Rebordering in the Minds, Rebordering on the Ground: Cases of Soft Rebordering in Western Europe

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Abstract: "Rebordering" has come to challenge în the past years the narrative of a "Borderless Europe". Instead of focusing on cooperation, attention is brought to management of the border, on its softening or hardening. This article aims at enlarging the concept of "Rebordering", arguing that it can take more subtle and sometimes even unconscious forms. The recent developments happening at the Franco-Belgian and at the Danish-German borderlands illustrate this phenomenon. The first case takes the example of administrations playing along rebordering actors at the border between France and Belgium on a – cross-border – minority protection background. The other example studies more deeply the Vildsvinehegn, the "wild boar fence" that was erected by Denmark on its border with Germany.

Keywords: *borderland, borderless Europe, rebordering, Vildsvinehegn*

J.E.L Classifications: F53, R11, K37

1. Introduction

"The History of Europe is one of fighting over borders. Millions have died as a result. Borders are therefore the scars of History. The genius of the European integration idea was to say, we stop fighting over where the borders are and instead focus on making them irrelevant." (Borrell, 2020)

Josep Borrell's quote at the occasion of the Schuman day in 2020 is a perfect example of the aspiration of a borderless Europe that characterised the European construction in the 1990s. During this crucial decade, Schengen was set up (1990), the Common Market was achieved (1993), the Cohesion Funds were implemented (1992-1993), accompanied by the creation and strengthening of the Interreg Initiative by the Commission (1989), all of which consolidated by the signature (1992) and ratification (1993) of the Maastricht Treaty. Local and regional authorities ensured that their voice could also be heard, through the establishment of the Committee of the Regions (1994), whose definition (both role and position in the European institutional framework and competences) was strongly debated, notably by the most autonomous regions in the Union which wanted to transform it in a Senate of Europe (Wassenberg, 2020b). Internal border-related issues were at the centre of discussions, and multiple initiatives were launched, aimed at least to reduce the effect of borders on trade, and at best to make borders "irrelevant" (Borrell, 2020).

The "Borderless Europe" narrative however suffered recently from the poly-crises characterising EU construction since 2015, and culminating (so far) in the chaotic closing of borders in March 2020 in the midst of the Covid-19 pandemic, making internal borders once again very tangible. Ever since then, and more acutely every year that passes, "Borderless Europe" is challenged by "Fortress Europe", illustrating by numerous examples of rebordering. Not only thought as a securitization process (Paasi & Ferdoush, 2022), nor located strictly at the EU's external borders as a reaction to internal and external pressures at the borders (Eilstrup-Sangiovanni, 2021), this chapter considers "re-bordering" as a process through which European, national, regional and local actors (Häkli, 2008) re-focus on Europe's internal borders border after a period of de-bordering, either by physically reinforcing the border on the ground, and/or by the tendency of considering the border (and the borderland, taken as areas at the periphery of anEU internal border in which "innovative types of interoperability and mediation can be experimented with, both within cross-border public services for citizens and business and through processes involving persons as well as institutions". Wassenberg et al., 2020, p. 53.) not anymore as an object to overcome, but as a barrier in the mind, creating an order and an *other* (Van Houtoum, 2021; Van Houtoum & Van Naerssen, 2002).

How does rebordering in the minds and on the ground apply at the internal borders of the EU? Building on the conclusions of the Frontem Jean Monnet Network discussed in Cluj-Napoca on 14 and 15 November 2025, this article further explores two examples of rebordering that happened in borderlands studied by Frontem, at the Danish-German borderland and at the Franco-Belgian borderland.

2. Bordering, Beyond Securitizing

While the most visible rebordering measure is the erection of a wall at a border, the literature has emphasised that other actions can constitute acts of rebordering. Eventually, EU integration theories tend to consider rebordering along an excluding process reinforcing security, with the aim to re-centre control at the hands of a central – often național (Häkli, 2008) – authority (Gruszczak, 2022). While this trend is especially well studied in the EU at the Union's external Eastern and the Southern borderlands and in the case of the UK's exit of the EU, it has not been quite looked at inside of the EU, more characterised by a high level of cross-border cooperation (Sohn, 2025).

From another perspective, borders, as social constructs (Reitel, 2020), can have different weights (Agnew, 2008); borders can loose and gain weight. Rebordering consists therefore at "hardening" a border, which can also happen to a border that already underwent a process of de-bordering ("softening") previously, as Karl-Heinz Lambertz, former chairman of the Committee of the Regions, puts it (2023). Rebordering is therefore not only limited to its physical manifestation, as to say physically make it more difficult to cross the border, since the social nature of a border also impacts the perception of what lies beyond the border (Van Houtoum & Van Naerssen, 2002). In other words, rebordering also comes from the minds of borderland actors (Sohn, 2025), to the point of creating, or reinforcing, "mental borders" (Wassenberg, 2020a).

The exploration of this dimension of the rebordering process builds on the conclusions of the Frontem network. Initially aiming at identifying and analysing models (of perception and management) of borderlands, Frontem conclusions made it clear that no model of cross-border cooperation exists which can be applied in different contexts than the one it comes from. Actors in the borderland however act according to their own model(s) in mind, shaping the borderland as much as the borderland realities shape their models and influence their actions. Frontem conclusions highlight the necessity not to compare borderland models, but rather to compare the transforming processes that borderlands undergo. I argue that the creation of organisations and institutions can have rebordering effects, as to say reveal "borders in the mind" and a dissonance of narratives, as much as fencing in the wake of a biological threat can be used as a rebordering tool with potential for being used against human migration.

3. Identity Politics and Minority Language Preservation: Rebordering through the Creation of Institutions at the Franco-Belgian Borderland

3.1. Hardening Linguistic Border and Differentiated Flemish Identity

Alfred Mozer's comparison of the Franco-German border as a scar of History (1973) is widely used in the Border Studies literature, and is particularly relevant in borderlands where the border is defined by cultural clashes and a move of the border in the past century. On the other hand, the Franco-Belgian border is often described as being friendly, or even convivial (Wassenberg, 2023b), yet inhabitants in the northern section of the borderland today experience a quite clear cultural border, despite the Flemish substrate on the French side of the borderland.

Indeed, the region currently known as French Flanders was annexed by France at the time of Louis XIV's north-eastwards expansion, progressively integrating the region. From the end of the conquest period with the peace of Utrecht in 1713, only very minor territorial adjustments happened in 1769, 1779 and 1820 (Vanlichtervelde, 2023). Historically, the French part was speaking dialects of Flemish, and experienced a process of francization supplanting Flemish dialects, especially during the second half of the 20th century. The last large-scale study to have enquired the linguistic situation of minority languages such as Flemish in France was carried out by the INSEE in 1999, and showed that Flemish was then one of the less spoken regional languages and one of the most endangered in France (Héran et al., 2002), strengthening day by day the linguistic border between French and Belgian Flanders.

The coexisting French and Flemish culture are therefore a direct consequence of the moving of the border and the state-building processes in the region. The borderland offers the opportunity of its inhabitants to play on both sides, and to mobilise the border as a resource (Sohn, 2020), i.e. getting fuel, doing groceries, working on the other side or obtaining financing for an Interreg project. Economically, the borderland is uneven, since northern France is characterised by a high unemployment rate, while Belgian Flanders is experiencing difficulties to answer the demand for workers (Agur Dunkerque, 2017). This discontinuity could on par be alleviated by the teaching of Dutch in Northern France, to allow French workers to integrate more easily in a Flemish job market. For the time period 2013-2022, only 0,74% of high school students of the academy of Lille learned Dutch (Wassenberg, 2023a), quite far from the 84,1% of high school students learning German in the academy of Strasbourg for the year 2021-2022 (Académie de Strasbourg, 2023).

This puzzling situation is at odds with the way the Flemish identity is experienced in French Flanders: it is quite frequent to cross upon a car which number plate has a sticker representing the historical coat of arms of Flanders, encounter many Flemish flags, etc. These symbolic expressions of attachment appear to have been spotted by the local and regional politicians, as 52 municipalities signed a charter allowing for the printing of a sign at the entrance of the town in Flemish dialect, thus also expressing attachment to the regional identity linguistically.

3.2. From Minority Protection to Excluding at the French-Belgian Border Line

The association which initiated the charter, the self-proclaimed *Academy for your Flemish language* (ANVT/ILRF) – English for "Akademie voor Nuuze Vlaemsche Taele/Institut de la Langue Régionale Flamande" – stands for the preservation of the linguistic heritage on the territory inhabited by formerly Flemish-speaking inhabitants. Its position however seems to oppose the teaching of the dialect with the Dutch standard language, arguing that French-Flemish is an "older" version of the current Dutch standard, and that it is the most removed regional language from standard Dutch of any of the Dutch linguistic continuum. But further than that, its president and a researcher at the University of Lille, member of the ANVT, recurrently complained about the interference of the Flemish and Dutch governments, which he states is comparable, to *linguistic colonialism* and *linguistic irredentism* (Puren, 2023). These statements are particularly concerning given that the ANVT convinced 52 municipalities of the French side of the borderland to sign the charter *Yes to Flemish*, and directly thwart any attempt of cross-border cooperation about the preservation of West Flemish. This situation downturns the safeguard of the dialect itself, as excluding the Belgian side of the west-Flemish linguistic area therefore prevents any possibilities of cultural exchange among the speakers of the language, of identifying local differences, or of reflecting on the impact of the border on the linguistic continuum.

On 11 December 2025, the *Hauts-de-France* region, responsible for high schools and, with other collectivities and the State, the promotion of regional languages, voted in support of the creation of a Public Authority for West Flemish (Office Public du Flamand Occidental, 2025), mainly piloted by the ANVT. While the creation of this new institution will almost certainly not change the steep decline of West Flemish in French Flanders, it constitutes a new step in the reinforcement of a hard linguistic border at the northern Franco-Belgian borderland. But this event is only the newly addition to a bigger trend, as France recognised West Flemish as a minority language in 2021, but not Standard Dutch (Farasyn, 2022); while Alsatian and Standard German have been recognised together, although this double recognition is not in favour of Alsatian as shown by Hamm (2024).

In turn, the linguistic and cultural situation in French-Flanders highlights that language is not a prerequisite for the cultural identity construction, but that language and cultural heritage can be used as a justification for both increased cross-border cooperation and for rebordering in the minds. The official administrative support to the constitution of a Public Authority for minority protection that ignores the cross-border nature of the language it seeks to protect therefore reinforces the constitution of a mental border. Efforts to preserve West Flemish stem from an excluding basis on the French side, and the institutionalisation of this approach only leads to rebordering in the minds, both of cultural actors at the borderland, and in the minds of the governing actors. The French regions are also, according to the French decentralisation, the governance level in charge of the management of European programmes, which are key in cross-border cooperation. The denied potential of a wider and less exclusive approach to minority language protection illustrates a phenomenon of soft rebordering, which might not even be conscious – the dissonance between the declared intentions of cooperating with Belgian and the recognition of the ANVT as the main contributor for the Public Authority for West Flemish is not something that has yet been talked about in public debates of the Regional council of the *Hauts-de-France* –, but which is detrimental to the overall preserving objectives set by the region.

4. Rebordering Nature: from Biosecurity to Human Control at the German-Danish Borderlandtitle

4.1. A model border?

The 70km-long border between Germany and Denmark has been one of the latest settled in Western Europe. After years of rivalries and tensions, especially after the humiliating Prussian-Austrian takeover of Holstein, Lauenburg and Slesvig – with minor adjustments: Ærø and areas south of Kolding were conceded to Denmark in exchange for the Danish exclaves on the west coast – in 1864, the German defeat after World War I opened the door for territorial adjustment. The following 1920 plebiscite allowed for the local population to choose whether they wanted to stay German or to become Danish – a more contrasted Holsteinian/Slesvigian identity was not proposed (Jebsen, 2014). The division of the territory in two voting zones, and the fact that the result followed the linguistic boundary relatively closely (Andersen, 2006; Troels, 1995), led to the creation of the narrative according to which the border between Germany and Denmark was "national optimal" (Klatt, 2020b), despite creating minorities on each side of the border. Revanchism characterised the relationship to the border in the months and years following the result of the plebiscite. This even culminated in Christian X toppling his prime minister in an attempt to gain more land in the region of Flensburg. The king's attempt was met by protests, and his stepping down led to the settling of the land border till the Flensburg Fjord, just north of Flensburg (Jespersen, 2013). After it was clear that there would be no territorial changes after World

Warl II, tensions over the border gradually faded away, up to the point that during the 1950s when West Germany entered NATO (Klatt, 2024), the border was no longer perceived as a compromise from the non-realised objective of taking over all of the historic region of Slesvig. This opened the gates for a new narrative to settle in, namely the one of an optimal border, a best-practice example of border management notably related to minorities (Klatt, 2024; Frandsen, 2024).

But there still are some remains of the specific relationship to the border on the Danish side to the border. This was notably visible during the celebrations of the 100th anniversary of the border in 2020. The celebrations took up the name used in 1920, *Genforening*, which translates as "Reunification", bearing a nationalist connotation, and having *de facto* an othering effect towards Germans. This is also visible in the different ways to refer to the region annexed by Denmark after 1920. As a matter of fact, Gaia Cardin highlighted that during her speeches at the 2020 celebrations, the prime minister Metter Frederiksen always referred to the region as *Sønderjylland*, "Southern Jutland" as to imply a continuity with the rest of the Jutlandic Peninsula, instead of Northern Slesvig, following the German use of "Southern Schleswig" for their part of the former Duchy of Slesvig (Cardin, 2024). The term *Sønderjylland* was, as a matter of fact, used as early as the Medieval era. Germanisation efforts of the southern parts of Slesvig was met by the reintroduction of *Sønderjylland*, and by the 1920's *Genforening*, it became the official name of the region that became Danish. The Danes use the term *Sydslesvig* for designating the south of the old Duchy, but the Germans prefer to call it *Schleswig*. *Sønderjylland*, in turn, is referred to by the Germans of the borderland as *Abgetretene Teil Schleswigs*, translatable as "ceded part of Slesvig".

These considerations come in helpful to understand the positivity linked to the border between Germany and Danmark, as illustrated during the 100th anniversary of the border's celebrations in 2020. The border is even the source of pride (Cardin, 2024), which explains why overcoming the border difficulties is not as much of a priority as in other Western European borderlands, such as between France and Belgium. And it also helps understanding why the impact of the protests against the *Vildsvinehegn* were limited.

In the end of the 1990s, after the successful implementation of Interreg in the borderland and in order to facilitate the governance across the border, the idea of a Euroregion arose (Klatt, 2024). While the idea for this cross-border institutional tool came from the German side, opposition was mainly concentrated by the Committee for Southern Jutland in Denmark, which was also created in opposition to the signature of the Schengen Treaty in 1996. This Eurosceptic organisation argued that the border was the cornerstone of the Danish nation (and that softening it would deter Danish-ness), that the Euroregion would be a Trojan-horse like tool to remove the border as the EU's objective would be the dismantlement of the nation-state, and that the Germans (seen through an *othering* lens) would interfere in Danish politics through the newly established Euroregion (Yndigegn, 2018). The protests and acts of vandalism surprised the German authorities which were engaged in the talks for setting up the Euroregion, to the point that when it was formally birthed in 1997, it was called "Region Sønderjylland-Schleswig" instead of a more EU-connotated name (Klatt, 2024).

4.2. Vildsvinehegnet

The African Swine Fever, which targets pigs, could severely damage the Danish economy, as the country is the first exporter of pigs in the world, at a worth of 1.63 billion of dollars in 2023 (Observatory of Economic Complexity, 2025). While Denmark could efficiently deal with an outburst of the African Swine Fever (ASF), as the Czech during winter 2017/2018 (State Veterinary Administration, 2019) and Belgian in June and July 2018 (Federal Agency for the Safety of the Food Chain, 2018) authorities have done, the Danish government decided to enact preventing actions. The main measure, and certainly the most symbolic and visible, was the erection of a fence along the 70km-long border, similarly to between 1985 and 1989 (Broz & Harrisson, 2025). A deal was made with pig farmers in the country, which would pay up to a third of the fence's price – the overall cost of the fence amounted 80 million DKK (Kristensen, 2019). During 2019, the fence was built from east to west, especially designed against wild boar populations, following the logic that if no wild boar would come to Denmark, then the ASF cannot enter the territory and the pig production can continue exporting.

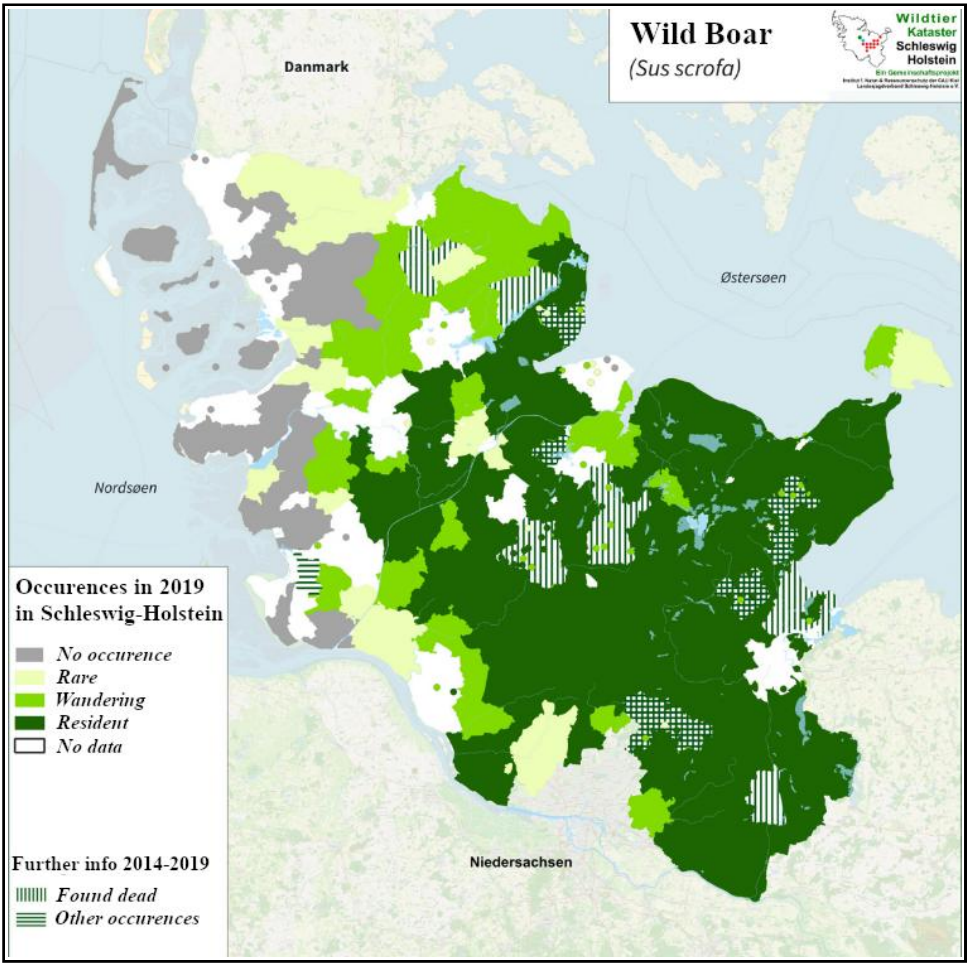

Figure 1. Presence of wild boar in Schleswig-Holstein (2019).
Source: adapted to English from Wildtier Kataster Schleswig-Holstein (2019)

Preventing wild boar from entering Denmark by fencing the border has major flaws. The main one is geographical. Indeed, the eastern part of the fence stops where the border touches water at the Flensburger Fjord, and the quite narrow width of the fjord is easily swimmable for the wild boar. There have been cases reported of wild boar swimming through the Kiel canal, from the German mainland to German Baltic Sea islands, or even up to 6km from the Swedish mainland to the island of Øland. And there have been reported cases of wild swine swimming across the Flensburger Fjord, rendering the fence inefficient (Kristensen, 2019). As a side note, during the borderwalk I took in order to document this fence, I stumbled upon a sign put up as part of an Interreg-III project in the Flensburger Fjord, in which one of the titled was "Nature knows no borders". The inefficiency of the fence can also be argued considering the numerous gaps, for instance to access crops or around roads crossing the border. There are cases such as the one of a farm on the Danish side of the border, but which barn is in the German side; fencing in this case consisted of surrounding the main house of the farm on the 3 sides that are in Denmark, much to the inconvenience of the inhabitant. There are also other cases in which the fence does not follow strictly the border, for example to go around a protected area or boggy terrain. While fences were used to enclose an affected population of wild swine, like Czechia and Belgium did during the ASF outbreak on their territory, constructing and maintaining the *Vildsvinehegn* seems purposeless. Belgian and Czech cases prove that the main parameters to put down a localised ASF outbreak is hunting intensity together with the identification (and destruction) of carcasses, not fencing. The absence of a sustainable wild boar population in the German-Danish borderland (**Figure 1**), especially in the western part where the sandy terrain is unfit for wild boar population, makes the border fence completely useless for its biosecurity purposes, as wild boar will not establish permanent populations there. Contrary to its objectives, the *Vildsvinehegn* proved to have a harmful impact on its environment, for example when deer get stuck while trying to jump up to cross it, despite the height of the fence being studied to enable crossings of deer. ending up having their legs stuck in the fence and stressing to death. The deer would also concentrate around the gaps of the border fence, ending up significantly damaging crops that are close to the crossing gaps (Kristensen, 2019).

If the fence does not actively reduce the risk of wild boar crossing the border, the more probable purpose of the *Vildsvinehegn* is maybe to be found in its symbolism. As the main defenders of the fence are the pig farmers and the fence is aimed at mitigating the risks of an implantation of ASF-contaminated wild boar in the country, the fence constitutes a symbol of Danish readiness to combat the ASF, or rather to indicate that the country would do whatever it needs to prevent ASF to enter its territory (Kristensen, 2019). This is not the only way the *Vildsvinehegn* is symbolic though, as it undermines by its very nature the cross-border cooperation efforts that have existed at the border for decades, and demonstratively underpinned that

Denmark favoured a national-oriented solution rather than participating in the international (EU)-efforts to put down the ASF by participating in researching a vaccine.

4.3. From Biosecurity to Human Crossing Control

Some groups resisted the border fence, such as groups engaged in the preservation of nature, hunters, the Danish minority in Germany and the German minority in Denmark, as well as actors of cross-border cooperation. The local population of the borderland is still very much opposed to this visibilisation of the border. If the building of the *Vildsvinehegn* is itself a sign of rebordering as it manifests the fact that a central authority retakes control the border, the rebordering nature of the fence is accentuated by its potential use against human crossings of the border. As a matter of fact, the decision to build the *Vildsvinehegn* was made possible by the right-wing Danish government of the time, under prime minister Lars Løkke Rasmussen, in the right-wing coalition between Venstre, Liberal Alliance and Det Konservative Folkeparti, with the support of the far-right Dansk Folkeparti, benefitting from the Europe-wide surge of far-right parties at the time. While the pig farmers interests were upheld by the coalition (especially Venstre), the Dansk Folkeparti have been influenced by a fieldtrip at the border between Hungary and Serbia to visit the border wall aimed at managing human migration. Upon their return, interests of the coalition government and the Dansk Folkeparti aligned, and the latter would accept the building of a border infrastructure, a fence or anything that would resemble the one at the Hungary-Serbia border (Heinskou, 2017; Thiemann & Thobo-Carlsen, 2018). The Danish *Vildsvinehegn* is therefore the perfect example that fencing is politically appealing, though counterintuitively not the most efficient solution to control a disease in wild populations (Mysterud & Rolandsen, 2018).

As the fence is not useful to repel wild boars, for all the reasons stated above, the *Vildsvinehegn* was however used during the Covid-19 crisis as a tool to restrict the circulation of people across the border. Barrier tape was tied around the fence doors to block them. In fact, that was not the only time the Danish government had the idea to put up a fence to restrict the migration of people at the German border, since Søren Pind, member of the Rasmussen government, revealed in 2019 that during the 2015-migration crisis, the then-Danish government had planned to build a wall with barbed wire at the border with Germany (Pind, 2019, p. 281). 33 kilometres were to be walled, and the Danish government acquired barbed wire for 21,7 million DKK in 2015 (Mortensen, 2019; Skov, 2019), partly sold to Lithuania since (Kristensen, 2021). And as Hans Kristensen said during our borderwalk, "Put some barbed wire on the wild boar fence, and you have a perfect fence for anything". The erection of the *Vildsvinehegn* therefore constitutes a step towards the weightening of the border in the rebordering process, not only by its mere presence, but also because of its conversion potential into a deterrent for humans crossing the border, in the same style as what exists at some European external borderlands.

One argument that would nuance these conclusions is that the *Vildsvinehegn* is a temporary measure, and that if a vaccine against ASF is found and administered, the fence will be torn down. But Denmark is often quoted as the country that had been using temporary reintroduction of border controls at its borders for extended periods of time, accentuating rebordering at the Denmark-German border (Klatt, 2020a). Since 2016, and every 6 months, Denmark has justified the reintroduction of border controls within the Schengen framework, sometimes with very different arguments. The main rebordering effect of the *Vildsvinehegn* might then come from its repurposing, especially after the ASF outbreak in Europe will be put down. The enemy of the European integration process is, in other words, "when the exception becomes the rule" (Salter, 2008), and this is also applicable to biosecurity-driven fencing.

The German-Danish example relates a story of centralisation, of acting quickly without necessarily paying attention to the efficiency and long-term consequences of the *Vildsvinehegn* (Kristensen, 2019). The more intense rebordering period that the inhabitants of the borderland experienced during the Covid-19 times however tends to nuance this rather pessimistic observation. Indeed, and despite the discourses on Facebook actively *othering* the cross-border neighbours, it did not mean the end of cross-border cooperation (Andersen & Winkler, 2024). The "necessity to cooperate" did not vanish, and the resilience of the inhabitants (Andersen & Prokkola, 2022) made it so the *Vildsvinehegn* was not an obstacle to cooperation (Cardin, 2024). In fact, the *Vildsvinehegn* was rather subject of jokes, as a way to protest its absurdity, as demonstrated by the numerous caricatural drawings in the

Danish and German press. Some sections of the fence were even cut and put on display in the German cities of Süderlügum, Flensburg and Kiel (Süddeutsche Zeitung, 2020). Ridiculing the fence also took the form of a volleyball match over it as the Danish minority in Germany and the German minority in Denmark did (Bang-Mørch et al., 2019). These are good examples of "soft resistances" against rebordering, and recalls that the borderlands' population have not been consulted before the erection of the border fence.

5. Conclusions

The large difference between the two examples analysed in this contribution reveals the diversity of rebordering. But both cases do not contradict cross-border cooperation: in the French-Belgian case, the narratives about cross-border cooperation of the *Hauts-de-France* region are not going to suffer from the regional support of the ANVT. And in the case of the *Vildsvinehegn*, Interreg activities were not interrupted by the presence of the fence, despite its heavy symbolic nature. In conclusion, the two examples highlight that rebordering is both symbolic in nature, but also a very incremental and subtle process, as illustrated by the apparent insignificance of recognising the ANVT as the leading entity of the newly created Public Authority for West Flemish. Finally, these rebordering examples seem to confirm the overall distancing from the established narrative of a "Borderless Europe".

The association of local and regional governments to national-level decision-making has been put forward as one of the ways to ensure a favourable context for cross-border cooperation (Böhm, 2023). But regional and local governance entities can also be the subject of capture, as illustrated by the support of West-Flemish, excluding Belgian counterparts. In order to counter this possibility, which is absent for now from the scientific literature on Border Studies and European integration, research on multi-level governance can be completed with research on the narratives of cross-border cooperation in the different regional and local governing authorities. What do local and regional governance actors have in mind when they engage in cross-border cooperation? Are there shared models of cross-border cooperation in the heads of cross-border practitioners, or are the models divergent? Does rebordering hinder the cross-border cooperation efforts by reinforcing mental borders of local and regional governing actors? The basis for future research can methodologically use narratives as a way to analyse the relationship between the institutions and their cross-border activities. What is puzzling is the potential discontinuity between several narratives, and whether rebordering is opposed to, or parallel to achieving a "Borderless Europe", especially in the long term.

6. Acknowledgment

I want to address my warm thankfulness to Hans Kristensen, hunting and wildlife journalist, author of the book *Svinevirke* (2019) about the *Vildsvinehegn* at the Danish-German borderland. He kindly accepted to answer my numerous questions during a family borderwalk along eastern parts of the *Gendarmstien*, the "Gendarme Path" between Kurså and Flensburg, following the *Vildsvinehegn* up to the Flensburger Fjord.

I also want to thank prof. Jaume Castan Pinos from the University of Southern Danmark, who showed that Danmark had reintroduced border controls, continuously so since 2016 during a presentation at the Castle Talks organised by prof. Birte Wassenberg from the University of Strasbourg on 19 November 2025.

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Reservations regarding the Hearing of the Civil Party before the Court Concerning the Civil Aspect of Criminal Proceedings

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Abstract: Starting from a jurisprudence that is permissive toward the hearing of the civil party as a means of evidence in criminal proceedings, the following seeks to analyze this issue through the lens of legal provisions and the fairness of this frequently used procedure. The hearing of the civil party regarding the civil aspect of the criminal process is not absolutely incompatible with the principle of fairness or that of the burden of proof; however, it must be viewed with serious reservations and accepted only in particular circumstances. The hearing of the civil party does not substitute for the requirements of joining the proceedings as a civil party and cannot, on its own, prove the claims. It occurs only after a valid joinder and serves an explanatory and corroborative role, without allowing for the subjective and self-interested self-proving of civil claims.

Keywords: *civil action in criminal proceedings, hearing of the civil party, self-proving of claims*

J.E.L. Classifications: **K10, K12, K18, K15**

1. Introduction

The subject we bring to your attention concerns the evidentiary procedure in the civil action exercised within the criminal process, in correlation with the form and content prescribed by law for joining the proceedings as a civil party, as a legal means for attaching the civil action to the criminal one.

Our analysis addresses a current and frequently encountered procedural issue in criminal jurisprudence, namely that of hearing civil parties with full capacity to exercise their rights, with the evidentiary objective of "proving claims" or the "amount of material or moral damages suffered", or that of "specifying the existence and extent of the damage or the evidence".

Following this analysis, the necessity for considerable reservations regarding the established custom and the intervention of the legislator *de lege ferenda* is noted.

2. Hearings

The hearing of the civil party is expressly regulated as a means of evidence in the Code of Criminal Procedure under Art. 97 para. 2 letter d) CPP (1).

This analysis addresses a procedural issue frequently encountered in the practice of criminal courts, namely the hearing of civil parties during the trial phase with the evidentiary objective of "proving claims" or the "amount of material or moral damages suffered," or that of "specifying the existence and extent of the damage or the evidence."

In criminal jurisdiction, the hearing of the civil party is essentially seen as having the purpose of clarifying and proving the civil claims formulated within the criminal process, as well as the circumstances related to the damage. Specifically, from a jurisprudential point of view, the hearing of the civil party before the criminal jurisdiction concerns the following regarding the civil aspect:

- **Establishing the existence and extent of the damage**, respectively: the components of the damage suffered (material, moral), its value, and the causal link between the criminal act and the damage;
- **Justifying the civil claims**, respectively: the method of calculating the requested compensation and the evidence supporting these claims (documents, witnesses, etc.).

The hearing of the civil party in the civil aspect of the criminal process is deemed admissible to serve the resolution of the civil action exercised within the criminal proceedings; thus, its primary purpose is not to establish criminal guilt or criminal liability, but strictly to hold the defendant and/or the civilly liable party accountable under civil law.

The issue at hand consists of the legality, reasonableness, and fairness of such a practice before the courts.

This issue does not arise during the criminal investigation phase, given the provisions of Art. 20 CPP which establish (2) the obligation of judicial authorities to inform the injured person of their right to join the proceedings as a civil party, and the obligation of the prosecutor, before resolving the case (through the solution in this phase of the criminal process, such as the indictment), to inquire about the intent to join as a civil party and to bring the civilly liable party into the case.

It is relevant to highlight that prior to the amendments made to the Code of Criminal Procedure by provisions such as Art. 20 para. 2 CPP and Art. 20 para. 4 CPP, corroborated with Art. 21 para. 1 CPP, there was no impediment for courts to proceed with hearing civil parties so they could specify what damage they suffered (material, moral), its value, the causal link, and to justify these claims through calculation methods or to state evidentiary requests. The lack of impediment resulted from the previous criminal procedural regulation not specifying the content of the civil party joinder — at that time, a simple statement expressing the desire for compensation, materialized through a generic assertion of joining as a civil party, was sufficient.

We state our conviction that the current hearing of civil parties before the courts to remedy deficiencies in the application to join as a civil party or for the (self-)proving of claims in the civil aspect must be viewed and received with maximum reservations. Such jurisprudence contravenes: the imperative norms of the Code of Criminal Procedure regarding the joinder of the civil party and the sanctions for non-compliant joinder; the norms established by the Code of Civil Procedure, which should constitute the common law even in criminal proceedings regarding the civil action—given the object of the action and the provisions of Art. 2 para. (2) CPC which establish it as common law in any matter; the fundamental principle of the burden of proof (*onus probandi*); and the right to defense of the parties with opposing interests in the civil aspect (the defendant and the civilly liable party).

The civil action in criminal proceedings is governed by the principle of availability and requires the indication of the evidence upon which the claims are based, according to Art. 20 para. (2) and (4) CPP (3). Hearing the civil party during the trial phase with the evidentiary objective of proving claims through their own statements or with the aim of filling gaps in the civil joinder (nature, composition of damage, extent of claims, and listing of evidence) contravenes these provisions — at the very least because the hearing takes place after the start of the judicial inquiry, but also for the reasons stated below.

Our goal is to view and receive the use of this means of evidence before criminal courts with more circumspection and to bring rigor to the resolution of civil actions in criminal proceedings, in order to stop current unfair customs or practices outside the express text of the law in criminal jurisprudence. We mark the necessity for even a *de lege ferenda* intervention on this subject, primarily to avoid creating an unjust difference between jurisdictions regarding evidence based on which jurisdiction the claims are brought before.

Given the nature of the civil action in criminal proceedings, the Romanian criminal process allows for the joinder of two distinct actions: the criminal action (public, governed by the principle of officiality) and the civil action (private, governed by the principle of availability). Thus, we speak of the duality of actions in the criminal process. The fact that the civil action is "joined" does not mean it loses, or should lose, the autonomy or rigor that characterizes it compared to a situation where claims arising from a criminal act would be resolved before a civil jurisdiction.

The civil action in criminal proceedings must maintain its own physiognomy as a civil action, without any distinction being made regarding evidence compared to a situation where the civil action is exercised before a civil jurisdiction rather than a criminal one. The civil action in criminal proceedings remains a private action that imposes clear burdens on the plaintiff/civil party to effectively and objectively prove the claims and rigorously formulate the summons/application to join as a civil party.

Referring to the provisions of Art. 20 CPP and the principle of availability, we recall Art. 20 para. (2) CPP, which refers to the rigor regarding the content of the summons in the civil aspect, marked in the criminal process by the application to join as a civil party. This article imposes on the civil party the obligation to indicate from the very beginning: "the nature and extent of the claims, the reasons, and the evidence on which they are based." We observe that the criminal procedure text thus performs a direct parallel adoption of the rigor imposed by Art. 194 CPC regarding the content of the introductory petition before civil jurisdictions.

The requirement of Art. 20 para. (2) CPC is not a useless formality, but a fundamental guarantee of the right to defense of the defendant and/or the civilly liable party. This is because parties with opposing interests must know in advance the amount of the claims, their nature, and the means of evidence intended to prove them. In practice, Art. 20 para. (2) CPP adopts a form similar to Art. 194 CPC, ensuring the uniformity of the action for claims regardless of the jurisdiction before which civil claims arising from a criminal act are stated.

The jurisprudence of the Constitutional Court (4) is also relevant, confirming that the principle of availability governs the civil action regardless of jurisdiction. The civil party controls the fate of the action, including its content and the evidence initially indicated, with the legislator adopting provisions specific to civil procedure.

The sanction for failing to meet the conditions of Art. 20 para. 2 CPP is untimeliness, expressly regulated in Art. 20 para. (4) CPP. Thus, failure to comply with *any* of the conditions in Art. 20 para. (2) CPP leads to the impossibility of joining as a civil party in the criminal process.

Therefore, if a joinder as a civil party in the criminal process does not meet these distinctly listed conditions in Art. 20 para. (2) CPC, or any one of them, the civil action joined to the criminal one should be rejected as inadmissible. Since non-compliance with these conditions is expressly sanctioned by law, it should not be possible to cover it through subsequent late manifestations by the civil party in the field of evidence before the criminal court via the hearing of the civil party.

Since the law provides an express sanction for disregarding the content of the civil party joinder — namely the inadmissibility of the civil action in the criminal process — no gap could or should be filled by the subsequent evidentiary means of hearing the civil party before the court. Criminal procedural law does not contain a provision conferring the possibility of remedying deficiencies in the civil party joinder; on the contrary, it provides the express sanction for non-compliance with the rigors of the law.

The sanction inserted in Art. 20 para. (4) CPP is mitigated by the possibility expressly established by the legislator that the civil party does not lose access to justice, but that in this situation, the interested party may address the claim for damages to a civil court — that is, the original civil jurisdiction for compensation of damages. Before civil courts, we have the rigors provided by Art. 194 CPC regarding the content of the introductory petition. In other words, if the civil party proceeded with a joinder non-compliant with the content provided in Art. 20 para. (2) CPP, they lose only access to the criminal jurisdiction, not the civil one; furthermore, until the civil court is seized, they can formulate a summons compliant with Art. 194 CPC.

Next, we state the hypothesis in which the joinder as a civil party (similar to the summons in a civil trial before a civil jurisdiction) complies with Art. 20 para. (2) CPP, and within it, the civil party proposes their own (self-)hearing with the mentioned evidentiary objective: proving the claims and/or their amount. In no case can we agree with the custom that the hearing of the civil party could be done without such evidence being proposed in the civil joinder. We thus bring into discussion the issue of hearing the civil party with the evidentiary objective of proving (actually, self-proving) the civil claims.

The thesis of "proving claims/damages" through the hearing of a civil party with full capacity to exercise their rights is fundamentally logically flawed. This is primarily related to the absolutely reasonable circumstance that no one can be their own witness. Furthermore, the civil party does not testify under oath. Being one's own witness for claims stated by oneself and intended to be obtained, moreover while not under oath, contravenes the objective nature of evidence.

A piece of evidence, by definition, must bring an external, objective, or verifiable element to support a stated claim. However, the party's own statement is a simple assertion made by an interested party, and not evidence in the strict sense capable of serving equally and as a sole foundation for establishing a right.

When a civil party appears before the court and, through their own statement, attempts to prove the damage in terms of amount and existence, they are merely reiterating the claims that should have already been formulated in writing in the civil joinder (recorded by the investigating authority following oral statements or in the party's own script).

To transform the assertions that should exist in the civil joinder (reasons for joining as a civil party, etc.) by reiterating them in a statement that thus becomes a "means of evidence" represents a logical error and a major risk of unfairness.

We are talking about a logical error since the simple assertion/request represents, at the same time, the evidence itself. And the major risk of unfairness derives from placing an unsustainable evidentiary burden to the detriment of the opposing party (the defendant/civilly liable party), who would have to combat simple subjective assertions lacking the evidentiary rigor that characterizes civil action before civil jurisdictions.

Sound jurisprudence and legal principles (both civil and criminal) require that damages, especially material ones, be demonstrated through objective clues: receipts, vouchers, medical documents, documents certifying kinship, third-party testimony (which can illustrate the relationship of the civil parties with the deceased, for example), material means of evidence (photos or videos certifying, for instance, the close bond between the civil party and the deceased injured party), psychological expertise, and not through the simple "self-confession" of claims or suffering.

Admitting such an evidentiary thesis transforms the civil action in criminal proceedings from a rigorous debate of objective facts and evidence into a mere recording of the civil parties' grievances, undermining both the court's role to critically and objectively evaluate the evidentiary material and the purpose of evidence.

Furthermore, the inadmissibility of "self-proving" claims in criminal proceedings also derives from the perspective of civil procedural law.

An essential argument pleading against the hearing of the civil party with the evidentiary objective of "(self-)proving one's own claims" stems directly from the foundations of civil procedural law, which governs, by its nature, the civil action joined to the criminal process.

The fundamental principle that must be respected is the following: in the Romanian civil process before the civil jurisdiction, there is no evidence consisting of "taking statements from the plaintiff" or their "self-interrogation" to prove their own assertions. The Code of Civil Procedure strictly regulates the means of evidence and their administration. Interrogation, regulated by Art. 351 CPC, is the evidentiary means by which one party requests the court to address questions to the other party. A party cannot self-interrogate to produce evidence in their own favor. A confession (the answer to an interrogation) becomes evidence against the party making it, and not in their favor.

However, as long as civil procedural provisions allow a party to propose evidence via the interrogation of the other, we see no impediment for the defendant or the civilly liable party to propose the hearing of the civil party in the criminal process (a procedural evidentiary means that could be assimilated to the interrogation in a civil trial).

For evidence to be granted, it must be useful to the case, pertinent (related to the object of the case), conclusive (of a nature to lead to the resolution of the case), plausible (credible), and legal (provided by law and not prohibited by law). See also Art. 255 CPC.

Starting from these cumulative conditions, we refer here strictly to the requirement that evidence be plausible. The notion of "plausible" means: appearing real, having a semblance of truth, close to reality, possible, credible (5).

Since in a civil action the parties are and must be equal, we do not see how a party's own assertions, at their own request for a self-hearing, can constitute both claims and, at the same time, "plausible" evidence (credible, objective, disinterested, and lacking subjectivity), which should be received with evidentiary value just because the hearing takes place in a criminal trial.

Allowing a party with full capacity to exercise their rights to use their own subjective and interested assertions to establish the existence and amount of damage means disregarding the burden of proof (which rests with the plaintiff, according to Art. 249 CPC, or the civil party according to Art. 99 para. 1 CPP) and allowing a "self-proving" that does not exist in any modern civil law system. The requests and assertions of a person cannot be received concurrently as a means of evidence, as the idea of proving claims through one's own hearing implies. Therefore, such a procedure contravenes logic and evidentiary rigor.

This practice also violates the principle of equality of arms, giving the civil party an unfair evidentiary advantage. The defendant (the accused/civilly liable party) is put in the position of combating simple subjective assertions without objective support, lowering the standard of rigor necessary for awarding substantial sums as compensation.

Equally, hearing the civil party for this purpose and with this objective is likely to lead to a lack of celerity in judicial procedures, which would thus be delayed by hearings that, ethically and realistically, should have no evidentiary relevance regarding the compensation of damages. Following this line of reasoning, evidence through the (self-)hearing of the civil party regarding stated claims would also be useless given the circumstance that the claims (amount, extent, reasoning) exist and must already exist before the start of the trial on the merits of the criminal case, in the very content of the civil joinder which must comply with the legally prescribed content.

In addition to the aforementioned arguments, the ordering within the Code of Criminal Procedure is also important. It regulates the civil action expressly, distinctly, and separately from the criminal action through the provisions of Art. 19-28 CPC, included in the General Part, Title II, Chapter II.

Within the section dedicated to civil action, it is noted that the legislator has made no derogation from an evidentiary point of view compared to the original civil action before civil jurisdictions.

For the criminal action, evidence is regulated distinctly in the Code of Criminal Procedure for the purpose of protecting public action and its realization (6). The definition of evidence in Art. 97 para. (1) CPP captures the essence of the criminal process and the goal pursued through its conduct, because without evidence, there can be no conviction of a person for committing an offense.

It follows from these legal provisions that the offense (existence, guilty persons, circumstances in which it was committed) represents the object of proof in the criminal aspect of the case.

The civil aspect regarding claims (extent, reasons, evidence) is something else entirely, in accordance with the principle of availability; however, in no case can civil claims be (self-)proven, much less uniquely through the civil parties' own statements.

The hearing of the civil party in the criminal process as provided by the Code of Criminal Procedure (CPP) must be admitted to serve precise purposes, distinct from “(self-)proving claims” or “filling gaps” in the regulatory joinder of the civil party, so as not to cause a difference between the jurisdictions before which compensation for damage arising from a criminal act is requested. That the legislator does not desire such a distinction between jurisdictions also results from the purpose of the provisions of Art. 20 para. 8 CPP (7).

We do not entirely deny the utility of summoning and hearing civil parties in the criminal process. Therefore, we state our conviction of what this possibility consists of:

- **To support the criminal action**, specifically regarding the establishment of the circumstances of the criminal act, considering that the degree of the defendant's guilt (full or partial) has an impact on the criminal aspect of the process in terms of criminal liability and its individualization, not on the quantification of damages;
- **To find the criminal truth**, especially when the civil party is also the injured person (the direct victim of the offense), in which context their statement may contain essential details about how the act occurred, the perpetrator, the time of commission, the dynamics of events, witnesses present, etc. From this perspective, the civil party is a source of information (similar to the status of "injured person") necessary for resolving the criminal case. Their statements are used to prove the constitutive elements of the offense (existence of the act, the defendant's guilt), not to "self-prove" the amount of the civil claim;
- **To inform them of their rights** — to join as a civil party (within the deadlines, with the content, and under the sanction of Art. 20 CPP, i.e., before the preliminary chamber debates), to be informed throughout the case about the file's documents, etc.;
- **So that parties with interests contrary to the civil action (the defendant and/or the civilly liable party) may address questions to the civil party** if they deem it optimal and necessary, similar to proposing evidence through interrogation before a civil jurisdiction. There is no impediment for parties with interests adverse to the civil party, relative to the principle of availability, to request evidence through the hearing of the civil party even for the purpose of proving the civil aspect, although it is harder to believe they would be interested in remedying any deficiencies in the civil action or the evidence in this aspect of the criminal process;

- **In situations where the civil joinder contains all data required by Art. 20 para. (2) CPC, but only in a general manner** (e.g., stating a global sum for material damages and likewise for moral damages), and the court needs their breakdown (especially material damages: e.g., the sum representing the destruction of clothing, the sum for the destruction of a car, etc.) by category, or where the court deems explanations necessary regarding how the damage was produced, or for the hypothesis where, after increasing the amount of damages during the criminal process (e.g., new surgeries took place at the civil party's expense, physiotherapy expenses continued during the trial), the court deems such a hearing necessary, given that the rigors and sanction of Art. 20 para. 4 CPC no longer apply in this last situation;
- **In any matter related to the civil aspect of the case where the prosecutor exercises the civil action** because the injured person lacks the capacity to exercise rights or has restricted capacity. In such situations, the prosecutor's ability to anticipate all issues and evidence in the civil aspect is limited, which makes supplementing it through the hearing of the civil party or their legal representative useful, even necessary (8). It appears excessive to sanction the civil party in cases of lack or restriction of capacity when the civil action is exercised by the prosecutor.

When the objective of the hearing is formulated so broadly ("proving claims"), the court implicitly allows the party to use their own assertions as sufficient evidence of the amount of damages, which, as argued, contravenes the civil principles of the burden of proof and the prohibition of "self-interrogation" for one's own benefit.

In conclusion, the Code of Criminal Procedure provides for the hearing of the civil party because they are a vital source of information for the criminal aspect and a source of factual clarifications for the civil aspect, but the role of this statement should not be that of a means of evidence meant to authenticate requested claims, nor to fill the gaps of a regulatory civil joinder in the criminal process.

Thus, formally, the civil party's statement is a means of evidence in the criminal process (just like the statement of the injured person or the defendant). However, its evidentiary value is limited and must be evaluated with caution, precisely because the civil party has a direct patrimonial interest in the case in both aspects of the criminal process, with the primary goal of satisfying the civil claims arising from the criminal aspect.

It is not possible, much less sufficient, for the civil party to "self-prove" their claims solely through their own statement. This cannot, on its own, serve as proof of: the existence of the damage, its extent, or the causal link — even more so to the extent that these aspects are contested by other parties, and even if they were not contested, since the court can and must rule on the civil aspect of the criminal process only based on evidence of an objective nature. Thus, the civil party's statement has an explanatory and orientative role; it can support other evidence but cannot substitute objective evidence (documents, expertise, witnesses, etc.).

Therefore, the court should not admit civil claims exclusively based on the assertions of civil parties who possess full capacity to exercise their rights, as this would mean allowing a self-interested proof. The civil party's statement is a means of evidence, but being interested in nature, it can never constitute an exclusive ground for admitting civil claims, necessitating corroboration with other evidence (9). Thus, it is a subjective piece of evidence that gains strength only when corroborated with other evidence.

The hearing of a civil party with full capacity to exercise rights cannot and must not substitute the application to join as a civil party, nor cover the deficiencies of Art. 20 para. (2) CPP, nor can it act retroactively to heal the civil action from the sanction of Art. 20 para. (4) CPP.

The hearing of a civil party with full capacity to exercise rights represents, therefore, a means of evidence subsequent to a valid joinder — an instrument for clarification and corroboration of what has already been stated in the joinder application, a means by which the court verifies the consistency and plausibility of the claims in correlation with the evidentiary body of this aspect of the criminal process.

In other words, a compliant civil joinder opens the civil trial joined to the criminal action, and the hearing of the civil party can feed it with evidence, but not create it. The hearing in certain situations, as presented above, is admissible as evidence, but insufficient as exclusive evidence. In all situations, the civil party's statement is an eminently subjective and interested piece of evidence, and its value can only be corroborative, without changing the standards of civil evidence based on jurisdiction.

3. Proposals *De Lege Ferenda*

We consider that *de lege ferenda*, the criminal investigation body must indicate to the civil party (through the summons and/or during their hearing) not only their right to join the proceedings as a civil party but also the deadline and the regulatory content required, while drawing attention to the risk of the applicable sanction in case of non-compliance.

In this regard, we propose the following content for the amendment of the provisions of Art. 20 para. 1^1 CPP: "Prior to the resolution of the case, the criminal investigation body has the obligation to ask the injured person if they are joining as a civil party, indicating the content required by Art. 20 para. (2) and the sanction provided for in Art. 20 para. (4), as well as whether they request the inclusion of the civilly liable party in the case. This obligation is ensured through the summons issued to this effect or during the hearing of the civil party, recording a formal report (*proces-verbal*) to this effect."

Just as in the regularization procedure before the civil jurisdiction, where the judge can and must ensure the compliance of the summons with the provisions of the law (10), this can likewise be ensured in the criminal process through the summons and/or the hearing for this purpose.

Also *de lege ferenda*, for all the reasons stated, it appears appropriate to insert a text into Art. 99 CPP, after para. (1), stating that: "Statements given regarding the civil action by a person with full capacity to exercise their rights cannot lead to the proving of one's own claims outside of corroboration with other means of evidence."

4. Conclusions

The subject proposed for the above analysis is a current one given the constant custom of criminal courts, making the intervention of the legislator *de lege ferenda* beneficial. Until then, the hearing of civil parties regarding the civil aspect of criminal proceedings should be received with maximum reservations and increased rigor.

References

Art. 97 CPC: *(2) Proba se obţine în procesul penal prin următoarele mijloace:*

a) declaraţiile suspectului sau ale inculpatului;
b) declaraţiile persoanei vătămate;
c) declaraţiile părţii civile sau ale părţii responsabile civilmente;
d) declaraţiile martorilor;
e) înscrisuri, rapoarte de expertiză sau constatare, procese-verbale, fotografii, mijloace materiale de probă;
f) orice alt mijloc de probă care nu este interzis prin lege.

Art. 20 CPC:

(1) *Constituirea ca parte civilă se poate face până la începerea cercetării judecătoreşti. Organele judiciare au obligaţia de a aduce la cunoştinţa persoanei vătămate acest drept.*
(1) ind. 1: *Anterior rezolvării cauzei, organul de urmărire penală are obligaţia de a întreba persoana vătămată dacă se constituie parte civilă şi dacă cere introducerea în cauză a părţii responsabile civilmente, încheind un proces-verbal în acest sens.*

Art. 20 CPC:

(2) Constituirea ca parte civilă se face în scris sau oral, cu indicarea naturii şi a întinderii pretenţiilor, a motivelor şi a probelor pe care acestea se întemeiază.
(3) În cazul în care constituirea ca parte civilă se face oral, organele judiciare au obligaţia de a consemna aceasta într-un proces-verbal sau, după caz, în încheiere.
(4) În cazul nerespectării vreuneia dintre condiţiile prevăzute la alin. (1) şi (2), persoana vătămată sau succesorii acesteia nu se mai pot constitui parte civilă în cadrul procesului penal, putând introduce acţiunea la instanţa civilă.

A se vedea de pildă Decizia Curții Constituționale nr. 257 din 26 aprilie 2017 referitoare la excepția de neconstituționalitate a dispozițiilor art. 20 alin. (1) și art. 21 alin. (1) din Codul de procedură penală, publicat în M. Of. nr. 472 din 22 iunie 2017, par. 13, 15 și 33.

A se vedea dex-ul limbii române.

Art. 97 alin. (1) CPP: ″*Constituie probă orice element de fapt care servește la constatarea existenței sau inexistenței unei infracțiuni, la identificarea persoanei care a săvârșit-o*

și la cunoașterea împrejurărilor necesare pentru justa soluționare a cauzei și care contribuie la aflarea adevărului în procesul penal.”.

Art. 20 alin. (8) CPP: *Acţiunea civilă care are ca obiect tragerea la răspundere civilă a inculpatului şi părţii responsabile civilmente, exercitată la instanţa penală sau la instanţa civilă, este scutită de taxă de timbru.*

Art. 99 alin. (1) CPP: *În acţiunea penală sarcina probei aparţine în principal procurorului, iar în acţiunea civilă, părţii civile ori, după caz, procurorului care exercită acţiunea civilă în cazul în care persoana vătămată este lipsită de capacitate de exerciţiu sau are capacitate de exerciţiu restrânsă.*

Prin Sentința civilă nr. 576/28.05.2025 a Judecătoriei Cluj-Napoca (nepubl.), în mod criticabil, a fost admisă ca singură probă în latura civilă a procesului penal audierea părților civile, victime indirecte ale infracțiunii de ucidere din culpă, în scopul dovedirii prejusiciului suferit.

A se vedea prevederile art. 200 CPC.

Postface

NICOLAE PĂUN
Professor, PhD, Babeș Bolyai University, "European Paradigm" Doctoral School
Jean Monnet Professor Ad Personam
Member of the Liaison Group of Historians of the European Union

Peace, economic development, political stability, attachment to the principles of progress and sustainable development, mutual knowledge are, according to Andrew Linklater, in the work *European Civilizing Process*, a European civilizing process.

How far is this syntagm today in the conditions where for Europeans in the third decade of the 21st century the dramatic reality is based on unacceptable military developments.... Where is that already utopian concept of the "European dream", so beautifully presented once by Jeremy Riftkin?

Starting from the daily actuality of the *World we live in*, the 20th international conference, organized by Bogdan Vodă University, has an interdisciplinary character and focuses on aspects of the Law area, Economics and Culture and Physical Education, from an integrative perspective, with references to the main theme WORLD WE LIVE IN. It is a dynamic world with challenges that the academic environment, together with other expertise coming from the areas of society, is obliged to evaluate, analyze, correlate with social facts and possibly provide solutions. This conference only suggests or opens up debate routes that can be harnessed in the near future in proper research workshops. The *world we live in*, as we said above, is a main theme, and it is the obligation of academics to open up to solutions for society.

In this respect, in the context of an ever-changing Europe where challenges such as political tensions and military conflicts test the foundations of peace and stability, it is more important than ever to reflect on the core values that have shaped the European project. As Andrew Linklater describes in *The European Civilizing Process*, peace, economic development, a commitment to progress, and mutual understanding have long been at the heart of Europe's collective vision.

How do these ideals hold up today, as Europe navigates complex global realities? What remains of the *European Dream* that Jeremy Rifkin so powerfully described?

Last year, we launched the conference *The World We Live In*, continuing a tradition of international academic events dedicated to exploring key issues in Central and Eastern Europe from an interdisciplinary perspective. This tradition includes six editions of Disintegration and Integration in East-Central Europe, organized by the Faculty of European Studies at Babeș-Bolyai University, and further developed through the European project **FRONTEM**.

This second edition of *The World We Live In* focuses on cross-border cooperation, marking the start of a series of annual international conferences inspired by the FRONTEM project.

The Jean Monnet Network Borders in Motion (FRONTEM), launched in 2019 under the leadership of Sciences Po Strasbourg, brings together a diverse consortium of partners: the University of Southern Denmark, the Euro-Institute in Kehl, the Centre for Cross-Border Studies in Armagh, Babeș-Bolyai University of Cluj-Napoca, the Catholic University of Louvain, and the University of Victoria in Canada.

Looking ahead, this program is set to foster an ambitious and impactful academic debate in the coming years, focusing on best practices in cross-border cooperation across Europe, with a special emphasis on the Central and Eastern European region. Our goal is to build a comprehensive database that supports scientific, academic, economic, and business collaborations—bringing Central Europe closer to cutting-edge research and innovation in the European Union.

We will continue this academic and scientific endeavor dedicated to cross-border cooperation, driven by the desire to develop, through databases, conferences, and representative works, the heritage of cooperation in Central and Eastern Europe, by integrating best practices from Western Europe as showcased through the FRONTEM program.

In this spirit, we express our gratitude to the academic institutions participating in the FRONTEM program, initiated by the University of Strasbourg and coordinated by Professor Birte Wassenberg. We also emphasize that we are associating this generous project with other actors from the academic and business environments, again Babeș Bolyai University. Also we express our gratitude for participating to the programs dedicated to the programmes about Eastern-Center Europe, to the Romanian Academy, University of Arts and Design Cluj-Napoca, King Michael I University of Life Sciences in Timișoara, Bogdan Vodă University of Cluj-Napoca, the University of Alba Iulia, the University of Oradea, the University of Pécs, Debrecen, and other business stakeholders involved in the development of cross-border exchanges.

Romania's accession to the Schengen Area will certainly generate a new dynamic in cross-border cooperation.

The volume we present includes the materials featured during the international scientific conference and adheres to the sections established in the program. We note that the relevance of the themes, the discussions held within the working groups, and the scientific impact of the international scientific conference **"Models and Perspectives of Cross-Border Cooperation in Central-Eastern Europe"** led us to publish these materials in a bilingual format, namely in Romanian and English.

Evidently, this is a "scientific work in progress" open to future acquisitions — specifically, the continuation of this conference's thematic format in the coming years. However, we emphasize that all the studies proposed in this volume represent contributions of a remarkable scientific level; they are necessary historiographical signals in a thematic space that is seldom explored.

We are convinced that, through this volume, we bring an important contribution to the development of this bold introspection dedicated to cross-border cooperation and the models and best practices already existing within the European space. Furthermore, we believe we can contribute to a better and updated projection of the current state of this highly significant thematic dimension across Central-Eastern Europe.

Conference Programme

Friday, 14 November 2025, Aula Magna, Babeș-Bolyai University, str. Mihail Kogălniceanu nr. 1

Opening Session
9.00-09.15 Registration

9.15-09.30 Welcome speeches
Dan-Tudor LAZĂR, PhD, Professor and Vice-Rector, Babeș-Bolyai University
Mohammad JARADAT, Ph.D, Professor, Rector of Bogdan Vodă University of Cluj-Napoca
Valer Daniel BREAZ, Ph.D., Professor, Rector 1 Decembrie 1918 University of Alba Iulia, Former member of Romanian Senate

09.30-12.30 Keynote Speeches
Birte WASSENBERG, PhD – Professor and Vice-Chairperson, University of Strasbourg; Coordinator of the FRONTEM Project, Reserved title/Titlu rezervat
Acad. **Ioan-Aurel POP**, Professor, Ph.D, Babeș-Bolyai University, President of the Romanian Academy, *Democracy as a Historical Experienc*e/ *Democrația ca experiență istorică.*
Ioan SBÂRCIU, PhD – Professor, University of Art and Design Cluj-Napoca, *European Cultural and Artistic Interferences. Ioan Sbârciu. Self-Portrait /Interferențe cultural-artistice europene. Ioan Sbârciu. Autoportret.*
Daniel DEJICA, PhD – Professor, Politehnica University Timisoara, Dean of Faculty of Communication Sciences, Director, PoliCAT – Politehnica Center for Advanced Translation Studies, *Lexical Bridges Across Borders: The Role of Intelligence Terminology in Enhancing Cross-Border Cooperation/ Punți lexicale peste granițe: rolul terminologiei din domeniul informațiilor în consolidarea cooperării transfrontaliere.*

Curtis CORDON, Ph.D. candidate Babeș-Bolyai University, Lt. Col, USAF, Military Delegation to NATO, NATO HQ, Brussels, Belgium, *Eastern Sentry - o nouă provocare pentru Alianța Nord Atlantică/ Eastern Sentry – a new challenge for the North Atlantic Alliance.*

Discussion

12.30-14.00 Lunch
Venue: Casa Universitarilor Restaurant, str. Emmanuel de Martonne no. 1

Panel: The Schengen Area – Challenges, Opportunities, and Integrated Perspectives in Central-Eastern Europe
Venue: Room 119, Babeș-Bolyai University, Faculty of Bussines
Horea Street 7, Cluj-Napoca

14.15-16.45
Chair:
Georgiana CICEO, PhD – Associate Professor, Babeș-Bolyai University; Member of the Scientific Committee, Babeș-Bolyai University
Sergiu CÂRLAN, PhD – Lecturer, Bogdan Vodă University, Cluj-Napoca, Vice-President Cluj County Court

Contributors:
Elzbietza OPILOWSKA, Ph.D., Professor – University of Wroclaw, *The dynamics of cross-border cooperation in the German-Polish borderlands in the context of recent reborderings/ Dinamica cooperării transfrontaliere în regiunile de frontieră germano-polone, în contextul recentelor reconfigurări ale granițelor.*
Anamaria IANOȘI, PhD – University Assistant, Bogdan Vodă University of Cluj-Napoca, **Alida PAL,** Ph.D. candidate, Babeș Bolyai University, *Schengen Area and the Criteria for Accession: Challenges and Perspectives of Romania's Membership/ Spațiul Schengen și criteriile de aderare: provocări și perspective ale apartenenței României.*
Peter ULRICH, Ph.D., Professor – University of Potsdam, *Resilience and public service provision across borders in the German-Polish borderlands. The role and functions of local and euroregional actors/ Reziliența și furnizarea*

serviciilor publice peste granițe în regiunile de frontieră germano-polone. Rolul și funcțiile actorilor locali și euroregionali.

Mircea BRIE, Ph.D., Professor, University of Oradea, **István József POLGÁR**, Ph.D., Associate Professor, University of Oradea,*Legitimacy of regional cooperation initiatives and the factor of inclusivity in the South East European Area/ Legitimitatea inițiativelor de cooperare regională și factorul incluziunii în spațiul Europei de Sud-Est.*

Sergiu CÂRLAN, PhD – Lecturer, Bogdan Vodă University, Cluj-Napoca, Vice-President Cluj County Court, *International child abduction: procedural aspects/ Răpirea internațională de copii. Aspecte procedurale.*

Ionuț BORLAN, Ph.D., judge Court of Appeal Cluj, *The enforcement of judgments resulting from a European Arrest Warrant/Executarea hotărârilor ca urmare a unui mandat european de arestare.*

Enya UJVARI-TAMAȘ, Ph.D., Bogdan Vodă University of Cluj-Napoca, *Schengen Through Local Eyes: The Case of Satu Mare County/ Spațiul Schengen prin ochi locali: cazul județului Satu Mare.*

Melinda BENCZI, Ph.D., Service for Cross-border Initiatives (CESCI), *Legal accessibility as crisis mitigation: lessons from Central Europe/ Accesibilitatea juridică ca mijloc de atenuare a crizelor: lecții din Europa Centrală.*

Discussion
16.45-17.00
Tea/Coffee Break

17.00-19.00
Chair: Peter ULRICH, Ph.D., Professor, University of Potsdam
Dragoș PĂUN, Ph.D., Associate Professor, Jean Monnet Module, Babeș-Bolyai University, Faculty of Business

Georgiana CICEO, PhD, Associate Professor – Babeș-Bolyai University; Member of the Scientific Committee, Babeș-Bolyai University, *Reserved title/Titlu rezervat.*

Ciprian-Adrian PĂUN, Ph.D., Associate Professor, Babeș Bolyai University, *Debates about introducing progressive taxation in romanian tax legislation/ Dezbateri privind introducerea impozitării progresive în legislația fiscală română.*

Gabriel CAIAN, Ph.D., judge, Liaison magistrate in France, seconded to the Ministry of Justice, *Refusal to surrender persons subject to a European arrest warrant. Reasons, controversies, perspectives CJEU/ Refuzul predării persoanelor vizate de un mandat european de arestare. Motive, controverse, perspective ale CJUE.*

Hynek BÖHM, Ph.D., Professor, University of Liberec, *Reserved title/Titlu rezervat.*

Monica ȘORTAN, judge, Court of Appeal Cluj, *International criminal cooperation at shifting borders: between security and human right/ Cooperare penală internațională la frontierele mobile: între securitate și drepturile omului.*

Mihai BUFAN, Ph.D. candidate, Babeș-Bolyai University, *EU Infringement: A Numerical Analysis of Cases from 2019–2023/ EU Infrigement - o analiză pe cifre a cazurilor din perioada 2019-2023.*

Laura PURDEA, Ph.D., Lecturer, Bogdan Vodă University of Cluj-Napoca, *European Integration and Contemporary Constitutionalism/ Integrare europeană și constituționalism contemporan.*

Maria-Augusta BÂRSAN-MOIGRĂDEAN, student, Bogdan Vodă University of Cluj-Napoca, *Legal Aspects of the Lisbon Treaty on the European Single Market and Implications for Cross-Border Cooperation/ Aspecte juridice ale Tratatului de la Lisabona privind Piața Unică Europeană și implicații pentru cooperarea transfrontalieră.*

Discussion

Roundtable: Frontieres en mouvement (FRONTEM). Results and perspectives
Venue: Room 120, Google Media, Babeș-Bolyai University, Faculty of Bussines, Horea Street 7, Cluj-Napoca

17.00-19.00

Chair: **Birte WASSENBERG**, PhD – Professor and Vice-Chairperson, University of Strasbourg; Coordinator of the FRONTEM Project

Anthony SOARES, Ph.D., Professor and Director, Centre for Cross Border Cooperation, Armagh, Northern Ireland

Contributors:

Presentation from an actor's perspective: Focus groups and toolkit:

Simon VANLICHTERVELDE, PhD candidate, University of Strasbourg

Anthony SOARES, PhD –Professor and Director, Centre for Cross Border Cooperation, Armagh, Northern Ireland
Melinda BENCZI, PhD, Service for Cross-border Initiatives (CESCI)

Discussion from a Euro-Atlantic comparative perspective
FRONTEM members from other border regions (online)
Oliver SCHMIDTKE, Professor, Ph.D., University of Victoria
Emmanuel BRUNET-JAILLY, Professor, Ph.D., University of Victoria
Bernard REITEL, Professor, Ph.D., University of Artois
Fabienne **LELOUP**, Professor, Ph.D., University of Louvain
Katarzyna STOKLOSA, Professor, Ph.D., University of Southern Denmark
Anne THEVENET, Ph.D., Deputy Director, Euroinstitute Kehl

Conclusions
Venue: Gente Senior Restaurant, Horea street no. 5
19.30
Cocktail

Saturday, 15 November 2025, Room Reduta, Ethnographic Museum of Transylvania, Memorandumului Street 21
Panel: Juridical approach. Models. Best Practices and Success Stories in Central-Eastern Europe

9.00-11.15
Chair: Gheorghe BUTA, PhD., Professor, Institute of Magistracy, Romanian Academy, Bucharest
Gheorghe BUNEA, Ph.D., Associate Professor, Dean of Faculty of Law, Bogdan Vodă University of Cluj-Napoca

Contributors:
Patricia-Oana VANCA, Ph.D., Lecturer, Bogdan Vodă University of Cluj-Napoca, *Legal issues regarding the hearing of the civil party in the civil aspect of the criminal trial/ Probleme de drept în legătură cu audierea părții civile în latura civilă a procesului penal*
Gheorghe BUNEA, Ph.D, Associate Professor, Dean of Faculty of Law, Bogdan Vodă University of Cluj-Napoca**, Ioana GALBEN**, Director, Cluj

County Pension House, *Women and Emotional Management in Public Institutions: Leadership through Empathy, Balance, and Efficiency/ Femeia și managementul emoțional în instituțiile publice: leadership prin empatie, echilibru și eficiență.*

Codruța Violeta ALB, Ph.D, Lecturer, Bogdan Vodă University of Cluj-Napoca, *Instruments and Practices of Judicial Cooperation in Criminal Matters in Europe: The Role of States in Combating Cross-Border Crime/Instrumente și practici ale cooperării judiciare în materie penală în Europa, rolul statelor în combaterea criminalității transfrontaliere.*

Gheorghe BUNEA, Ph.D, Associate Professor, Dean of Faculty of Law, Bogdan Vodă University of Cluj-Napoca, **Ioana GALBEN**, Director, Cluj County Pension House, *A Multidimensional Analysis of the Causes of Criminal Behavior/ Analiza multidimensională a cauzelor comportamentului criminal.*

Ion-Tudor FELEZEU, Ph.D., Lecturer, Bogdan Vodă University of Cluj-Napoca, *Romania in the current geopolitical context, on NATO's border with Russia/ România în contextul geopolitic actual, la granița NATO cu Rusia.*

Avram BUT-CĂPUȘAN, Legal adviser, Director Human Resources, Bogdan Vodă University of Cluj-Napoca,

Interpretation of Article 219 of Law No. 199/2023 on the retirement of teaching staff/ Interpretarea articolului 219 din Legea 199/2023 privind pensionarea personalului didactic.

Nicolae ROȘ, Ph.D, Lecturer, Bogdan Vodă University of Cluj-Napoca, *Individual Employment Contract versus Sports Activity Contract/ Contractul individual de muncă versus contractul de activitate sportivă.*

Tiberiu T. BAN, Ph.D. candidate, University Assistant, Bogdan Vodă University of Cluj-Napoca, **Adrian CHEȚAN**, PhD., *The sound of your data: a case study of legal, security and communication concerns in music streaming profiling/Sunetul datelor tale: studiu de caz al preocupărilor legale, de securitate și comunicare în profilarea din serviciile de streaming muzical.*

Adrian MARIAN, Ph.D, Lecturer, Bogdan Vodă University of Cluj-Napoca, *Risks and Opportunities in Cryptocurrency Trading/ Riscuri și oportunități în tranzacționarea criptomonedelor.*

Adriana BUIA, student Faculty of Law, Bogdan Vodă University of Cluj-Napoca, *Prevention of juvenile delinquency/Prevenirea delicvenței juvenile.*

Discussion
11.15-11.30
Tea/Coffee Break

Panel: Economical approach. Models. Best Practices and Success Stories in Central-Eastern Europe
11.30-14.30
Venue: Room Reduta, Ethnographic Museum of Transylvania
Memorandumului Street 21, Cluj-Napoca

Chair:
Mihaela LUȚAȘ, PhD – Professor, Babeș-Bolyai University
Delia-Beatrice OPREAN, Ph.D., Associate Professor, Dean of Faculty of Economic Sciences, Bogdan Vodă University of Cluj-Napoca

Contributors:
Mohammad JARADAT, Ph.D., Professor, Rector of Bogdan Vodă University of Cluj-Napoca, *Circular Labour Mobility after COVID-19: Workforce Management Challenges and Policy Responses in Central and Eastern Europe/ Mobilitatea circulară a forței de muncă după COVID-19: provocări în gestionarea personalului și răspunsuri de politică în Europa Centrală și de Est.*
Iulia PARA, Ph.D., Associate Professor, West University of Timișoara, **Ionut RITES**, Ph.D., West University of Timișoara, **Daniel DEJICA**, Ph.D. Habil, Professor, Politehnica University Timișoara, Dean of Faculty of Communication Sciences, Director, PoliCAT – Politehnica Center for Advanced Translation Studies,*Terminological Convergence in Intelligence: A Collaborative Approach to Cross-Border Understanding/ Convergență terminologică în domeniul informațiilor: o abordare colaborativă pentru înțelegerea transfrontalieră.*
Delia-Beatrice OPREAN, Ph.D., Associate Professor, Dean of Faculty of Economic Sciences Bogdan Vodă University, *Human Capital and Leadership Skills as Drivers of Successful Regional Investments and Cross-Border Cooperation/ Capitalul uman și competențele de leadership – factori cheie pentru succesul investițiilor regionale și al cooperării transfrontaliere.*
Dragoș PĂUN, Ph.D – Associate Professor, Faculty of Business, Babeș-Bolyai University, *Impact of AI on support services for SMEs and small e-commerce*

companies in Eastern-Central Europe/ Impactul inteligenței artificiale asupra serviciilor de suport pentru IMM-uri și companii mici de comerț electronic în Europa Central-Estică.

Sergiu-Vlad STAN, Ph.D, Lecturer, "Bogdan Vodă" University of Cluj-Napoca, *Reshaping Global Value Chains: Nearshoring to Central and Eastern Europe in the Post-COVID Era/ Reconfigurarea lanțurilor valorice globale: nearshoring în Europa Centrală și de Est în era post-COVID.*

Carmina Mihaela GORGAN, Ph.D, Lecturer, "Bogdan Vodă" University of Cluj-Napoca, *Education, sport and social inclusion: the perception of young people from Central and Eastern Europe on the personality of physical activity specialists/ Educație, sport și incluziune socială: percepția tinerilor din europa centrală și de est asupra personalității specialiștilor în activități fizice.*

Alexandra Gabriela MILON, Ph.D, Lecturer, "Bogdan Vodă" University of Cluj-Napoca, *The impact of economic investments in sports performance and social inclusion in Central and Eastern Europe/ Impactul investițiilor economice asupra performanței sportive și incluziunii sociale în europa central-estică.*

Corina PĂCURAR, Ph.D., Associate Professor, Bogdan Vodă University of Cluj-Napoca, **Oana Eleonora GLOGOVEȚAN**, Ph.D., Lecturer, "Bogdan Vodă" University of Cluj-Napoca,

The labor force in Romania - Eastern-European country - current realities/ Forța de muncă din România - țară est-europeană - realitățile momentului.

Vlad Daniel VALERIUS, Ph.D., Associate Professor, "Bogdan Vodă" University of Cluj-Napoca, *Cultivating a Culture of Service Excellence in Organizations in Romania/ Cultivarea unei culturi a excelenței serviciilor în organizațiile din România.*

CLOSING REMARKS

14.30

Birte WASSENBERG, PhD – Professor and Vice-Chairperson, University of Strasbourg; Coordinator of the FRONTEM Project

Nicolae PĂUN, PhD., Professor, Doctoral School "European Paradigm" Babeș-Bolyai University, Vice-Rector Bogdan Vodă University of Cluj-Napoca

15.00

Lunch

Venue: ZAMA Restaurant, Napoca Street 16, Cluj-Napoca.

Cross-border cooperation serves as an ideal testing ground for analysing the role of borders in European integration. It provides a concrete opportunity to observe how borders are experienced, circumvented, reinterpreted or reaffirmed by local, regional and national actors. It also highlights the tensions between the logic of supranational integration and the persistence of national interests, as the classical debate between the idea of a "Europe of nations" against that of a "United States of Europe" for the continent well illustrates — two diametrically opposed visions in which the issue of state sovereignty, as well as border sovereignty, has always been at stake. Since the 1990s, cross-border cooperation has established itself as a key instrument of European territorial cohesion policies, supported in particular by the Interreg programmes. However, its development has not been homogeneous across Europe. The border regions of Western Europe, characterised by a long tradition of cooperation and relatively high levels of development, have benefited from the possibility to develop cross-border cooperation in parallel to the process of European integration, whilst those of Central and Eastern Europe had to wait until the end of the Cold War to foster cross-border relations and to receive support for it from the European Commission.

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ISBN 978-606-37-3156-3