

EUROPEAN UNION LAW BETWEEN DOXOLOGY AND CRITICAL ANALYSIS

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Abstract

From the point of view of the principles of the Romanian Constitution (art. 1 para. (5), 11, 16, 20, and 148) are two ways to compel people: consent and the law. What seems to me severely for my conscience Romanian and man of law, is that this political body called the European Union was not founded in law Romanian nor the consent Romanians but under the policy makers and foreign adherents our - delegation of legislative power which contradicts the principle of art. 1 para. 1 and art. 2 para. 1 items foundation of the entire Constitution. But above all, considerations of legal and constitutional - even if ardent followers European responsibilities the great advantage of creating the EU by means of the law as an argument irrefutable - reopening the pages for a plebiscite among nations and the Union for a divorce amicably as if brexit community.

Keywords: *European Union law, constitution, identity and national sovereignty liability*

1. Argumentum

This article appeared under the auspices of the journal "Journal of Law and Administrative Sciences", in Romania presents some considerations about the existential crisis of the current Romanian constitutional right under EU law hammer and anvil Romania's constitutional tradition. This is why the historical investigation of any state constitutional development must dovetail with the legal research and analysis of policy documents and generally historical sources. All the documents submitted is designed as an appeal to the political history of the Romanian state, which is beyond the value of historiography, a treasure of the current generations of politicians can extract the essence of Romanian political thought traditional to revive the values of parliamentarianism, boldness and generations of revolutionary sacrifice and unflagging effort to remove and overcome obstacles to modern development of the country ".

According to Wikipedia, the free encyclopedia, constitutional law establishes the fundamental principles of the structure of social-economic and the organization of state power, governing relations between different parts of the state and between the state and citizens relationships embodied in the fundamental rights and duties thereof. Constitutional law regulating social relations fundamental to the process of introducing,

maintaining and exercising power, is the main branch in the legal system. This requires that all other legal rules of other branches of law to conform to constitutional provisions that objective is achieved basically by controlling the constitutionality of laws, which in Romania is ensured by the Constitutional Court. On the work of the Constitutional Court and its role in the formulas will return conclusive.

Constitutional law is the branch of law which is made up of legal rules governing fundamental social relations that occur in the establishment, maintenance and exercise of state power. The notion of constitutional law should not be confused with that constitution. This is the most important component of constitutional law, but not the whole; more in some States constitutional law even where there is no constitution. In our country we have the Constitution, the 1991 Constitution as amended and supplemented by the Law amending the Constitution of Romania no.429 / 2003. For these reasons, but also in other developed during this research endeavor, I will not make a speech in praise of the EU, as we expounds definition of doxology but a critical approach to the EU law.

2. European Union law: identity and existential themes

2.1. Preliminary issues

The law is for man, not against man. The law must be public and accessible to all. So, and EU law should be in support of Union citizens, including Romanians ours. Only, it seems not too European responsibilities makers have learned from history, and we speak here, even more distant or recent history of Europe. What I want to say? European Union Member States and citizens celebrate this year the 60th anniversary of the Treaty of Rome. Coincidentally or not, this anniversary coincides with the celebration of 500 years of existence of another "treaty". It is Niccolo Machiavelli's Prince which was celebrated in Italy and worldwide through conferences, studies and seminars. Renowned researchers and historians have written about the importance and significance of this work, an opportunity to reflect on the character alive and present of one of the best known and most translated works of Italian literature from five centuries after its appearance but also on other reflections. More specifically, what are the different principles of governance in the EU today than during the see the light "Il Principe"? Anything, and so I think that today the doctrine of Machiavelli is more alive than five hundred years ago; because if

the external forms of our existence have changed very much, no changes were profound spirit of men and peoples. Even a sentence of Chapter XXV of the famous "Il Principe" (1513), which we consider characteristic of politicians today in Bucharest and Brussels, sounds like this, "a prince who relies solely on fate collapses as soon as it it changes. Who knows happy to give after unhappy at times and that's not good." "It is much safer to be feared than loved to you".

Name diplomat, philosopher, politician and writer Niccolo Machiavelli Florentine is known to most of us in terms of a proverb, a proverb: "The end justifies the means." Also meaning of the term "Machiavellian" refers, perhaps too much and wrongly as it concerns the author only witticism mentioned, meaning: duplicitous, false, hypocritical, self-righteous, hypocritical, lying, traitorous, treacherous, sly, cunning. Perhaps the most translated work of authorship known Italian Prince is the latest book by Machiavelli and remained known as bedside book, though Florentine has other work in addition to her work. Machiavelli in his treatise describes methods by which a prince can acquire and maintain political power. Some have viewed the book as a support tyranny and despotism of the rulers as Cesare Borgia. But the work is based on Machiavelli's belief that a sovereign is not bound by traditional ethical norms "This raises the question whether it is better to be loved than feared, or vice versa. The answer is that you should be and one and another; but since it is difficult to reconcile these two things, say that when one of the two must be absent, it is much safer to be feared than loved you to." In his view, a prince should be concerned only about power and be subject only to rules that lead to success in political actions. Machiavelli believed that these rules could be discovered by deduction from the political practices of the time, as previous periods. It's great and famous reasoning expressed in the famous chapter XVIII of The Prince, where Machiavelli, making a comparison between the characteristics of complementary who are endowed fox and the lion, illustrates that essentially prince must know how to use both cunning and strength, without being necessarily loyal if this loyalty threatens to destroy it. The goal, according to his words that have become proverbial, is to win and maintain power and the means of pursuing that goal will, however, be honorable. Over time, this reasoning has been interpreted and reinterpreted beyond the original meaning, simplifying the phrase "the end justifies the means." But there is another quote from Machiavelli (Chapter

XXV of the Treaty) which enjoys maybe even more topical: one in which advises the Prince to adapt the action to things unpredictable which may arise ("hostility of fate"/"malignant di fortuna").

According to Machiavelli, the holding power can act "carefully"/"con rispetto" (prudent and cautious) or "heady"/"con impeto" but if "times and circumstances change/e tempi e le cose and mutano "is intended to change the line of action the risk of failure. As you know those of diplomacy, politics - except the principle of *pacta sunt servanda* - cannot rely on approaches dogmatic and immovable, but should be flexible, adherent to reality and know how to use, when necessary, mediation: an invitation to anchor us in reality abandoning default patterns. A lesson that comes from the Renaissance period unprejudiced, but which, at a distance of five centuries, seems to have lost all validity.

Filoso be the policy of Machiavelli is based on a radically pessimistic conception of history, largely due to political instability in Italy of the sixteenth century. Machiavelli does not recognize the succession of empires, the birth and falling beneficent hand of God; rather he sees the inevitable failure of any human enterprise and difficulty of access to what people naturally aspire to peace and security. History is not the work of Providence, but blind fate and indifferent to people. Own domain policy is established by building and maintaining a secure and peaceful social order. This order must be really torn, "destiny; she would come to be defined is the fate of always having the last word. Pessimism history extends in a pessimistic anthropological: citizens that Prince has the duty to govern them are not human ideal (as beings rational), but being concrete, half-animal, half-human, driven by passions and ambitions, sensitive rather meekness and fear than coercion more than to reason. The traditional "mirror of princes" addresses the legitimate heir to the crown. On the contrary, Prince seemed less concerned about how acquiring legality of the principality, which generally distinguish republic of tyranny. What interests him particularly Machiavelli is the art to remain in power while preserving the social order: but this art is not highlighted really only principalities conquered, where the order should be instituted as a whole and where Prince must to prove exceptional talent to succeed where others have failed. In order to obtain legitimate political regimes first through consensus and the sovereign needs talent to keep it.

Immorality policy Machiavelli has a proper sense of politics: it involves the ability to maintain a stable social order. Given human nature, duplicity, violence and even cruelty will be required to acquire a. Machiavelli condemns iniquity that is due to hold its deficiencies in politics: to make order reign, Prince should know how to gain the trust of citizens. For this he will have even simulate justice, generosity, gentleness and kindness. Political art knows to combine generosity with stinginess, honesty with duplicity, cruelty gentleness. Prince becomes at the same time, lion (use of force) and Fox (the ability to keep "good" reputation). It can be said that Machiavelli is a true champion of political immorality? In politics, morality has a place where order is already in place, not when missing the essential conditions that ensure: that security and stability (in Italy of the sixteenth century, for example). Justice is required perfection city, not its foundation: given human nature and fate hostility, establishing a political order cannot be done without violence. Grand Principe able to use this violence to the most "economical", that is effective enough to not be forced to resort to her constantly.

What is really surprising is that this work was written in the time condottiere, while Neagoe, ruler of Romanian between 1512 and 1521 wrote "The Teachings of Neagoe Basarab to his son Theodosius" one of the earliest masterpieces of literature old. Even more surprising, in another corner of Europe, François Rabelais has published two novels - Pantagruel (the original title completely *Les horribles et épouvantables faits et prouesses du très renommé Pantagruel Roi des Dipsodes, fils du Grand Géant Gargantua*) and Gargantua (*La vie du très grand Gargantua horrible, père de Pantagruel*) - in 1532, respectively, in 1534, under the pseudonym anagram Alcofribas Nasier. It's been nearly 500 years since they were written, Gargantua and Pantagruel, Rabelais's novels retain their liveliness and flavor as the work of an alchemist as literature. Writing is, of course, the product of fantasies inexhaustible, expressing itself in a language richness fabulous tailored to the main characters, very bright, very convincing, very real: Gargantua - man Revival begins - wise, prudent, with a particular above all ethics, justice, reason and virtue, sincerity soul; Pantagruel - fully Renaissance man, as he dreamed Rabelais - intelligent, honest, straight, eager for knowledge, his friends pretending to be informed, educated and wise. Doctor with a reputation for great healer and writer who, along with Cervantes, has laid the foundation stone of the art novel and enriched like no

other before, and as few others after him French, died, apparently in 1553, Paris and assigned last words were "I'm looking for a big maybe!"

These findings - the emergence of almost simultaneous three works in three different corners of Europe - demonstrating once again the strength of facts that we Romanians have not been outside Europe of civilization and our culture, the legal case, not nothing is beneath the West. By pen his Neagoe the "teachings" of his to his son Theodosius, writes down not only the principles of political governance of the state, moral education of youth, but also governing principles of the soul, offering those who will following the legacy of true values, spiritual. Neagoe complex personality has left posterity two monuments of exceptional value, one in architecture - the magnificent church of Curtea de Arges and another in literature - teachings to his son Theodosius. Neagoe was a man of his era permeated by religious feeling, he was one of the chief founders and supporters of the Church in our past. Knowledge of texts and religious issues, he sought to make the Church a strong support of the rule, policy similar to that taken by Stephen the Great shortly before. Knowing how religion exerts great influence at the time, he counsels his son dressed in a religious garb. Thus, advising his successor to be sober to drink, gives examples from the Old Testament, about the evils caused by wine (Noah, Lot, Samson). Then show the evils that may arise from friendship with the fornicators and compared the uprising against Mr. Country with rebellion against God, showing in detail how he lit the devil Saul against David and Absalom against his father David.

One of the basic ideas of the author of the Teachings is the divine right monarchy. This idea can be identified in a letter addressed to Neagoe 1520, the inhabitants of Brasov. In another document from 1512 states that the ruler should thank God for that "deigned to sit on the throne of mercy and forefathers by His divine power." Teachings contain many tips on how to be led country, Mr. relations with landowners: the appointment of governors, administration of justice, receiving the messengers, waging war, etc., all these tips forming a true manual governing the state. Royal council play an important role in the leadership of the state, alongside Sir, and the selection and appointment of governors constituted important issues for each prince. For this reason, Neagoe grant them due importance, he advised his successor to choose the most skilled collaborators who help him faithfully in running the state, even if some of them were of

noble birth. Particularly interesting are tips on how to be judgments made by the prince and his advice. Lord is advised to judge rightly, each according to his deed and listen and needy, just judgment contributes to maintaining a good reputation in the world. These tips find their confirmation in the judicial practice of Neagoe, which proves that he left the memory of posterity, was that of a gentleman law. Advice on foreign policy are linked and preceded by those relating to the maintenance of diplomatic relations, ie receiving and sending messengers area where Mr. Leave his successor counsel instructive, rightly regarded as the first lesson of medieval Romanian diplomacy. These tips find confirmation in intense diplomatic activity conducted by Neagoe, with a view to ensuring peace and freedom Romanian Land, to prevent its subjugation by the Ottoman Empire and to make the land he was leading an important factor in South East of Europe.

Lord admonishes his followers: "Do not love times of riot and skip to acts of arrogance", to keep peace with the surrounding nations. This desire for peace is reflected throughout the political Romanian Country kingly reign during which the country was quiet. A teaching provides advice on how to be defended from invasion by enemies. If Mr. failed to persuade its enemies through good words, he was obliged to keep their dignity and courage "to stand valiantly against the enemy because they started." Currently there is an abiding principle in the policy of our ancestors, who led wars of conquest, but were able to heroically defend their country against all those who threaten freedom. Lord advises his successor to take the fight even if invader was stronger. Dealing advice given in the Teachings of Neagoe policy and the realities of his time proves that the advice given by his successor Sir stem from his experience and his predecessors. All the elements of diplomacy, subtle tips reign, specific details of court life gives us an overall picture of Neagoe transmitted with reverence and godly wisdom as a treasure of his son and the entire Romanian policies. These philosophical thinking and wise teachings, expressing disturbing reflections permanent political and moral authority checks were made on history Haşdeu to appoint Neagoe "Marcus Aurelius of the Romanian Land", prince, artist and philosopher.

This brief excursus history was initiated by the need to put in front of the Romanian public aspects of history that conditioned even the emergence and development of the nation as constituted the majority, but also with the more than 20 ethnic minorities

established for this geographical and spiritual space. Especially since this horizon, this affiliation to the huge landscape of human civilizations has been forbidden to us now or we were not made explicitly aware. Origins, Phylum, changes over time, in a word during that allowed us to all of us to define ourselves as a nation and what we are today should finally come to us. Because memberships other cultures know about us things we do not know, as we do not know important things about other human civilizations with whom we are in contact, in a world of increasingly global.

What really means "far back" if "away" gave us even we, today, with our way of thinking? And what neighbors, globalization, identity, borders, strength, failure unless you know who you are and your own reactions as a whole is in a nebula? Projection that this study can provide on each aims, firstly, to open the barriers of the mind that you never knew existed. At least I think so, who crossed the incredible adventure of knowledge of the past and understand in time that there, in the pit of untouchables, hide all the fruits of which will be appeared orchards, forests, thickets, and lights human civilization today. So you, the readers and supreme my judges, attempt about who we are, who we are, what and who we can become and even become continuous, whether we like it or not, whether we know it or not, wants to offer you the correct option to know because it defines the very condition of our people, nation and our ability to react to any stimuli. It remains to judge themselves, each reading about the ways of the past, if the right is an option defense, crossing streams Time, that is, in fact, a way of existence and permanence of us all, a picture that we can give other nations, civilizations, world, especially our descendants tomorrow and after tomorrow. So right vanity is vanity of power or power?!

2.2. EU law: the vanity of power or strength vanity

First, I will present a short story, which among my documentary not just about legal sciences, but very pleasant to me. What it is? His classes, Sergiu Celibidache was teaching recent conductors that the first thing to do when conducting a piece of music to us is to look whole and try to find points of inflection, joints, at a turning point, for any flow has moments that changes from becoming something else, may very well evolve in another direction, without interrupting however. I think the same should be done and the

law. When we sight the whole context of its adoption at a turning point where his destiny may well take a different direction and the world would have been different. In those moments - "Sternstunden", astral hours, as they would say Stefan Zweig - it sees clear and precise hand of God. This applies to, including EU law.

EU law only seems to be exhausted destiny. It's sad, especially if we remember that glorious destiny had. I do not know if anyone had the curiosity to appreciate just what percentage of EU law is found in Romanian legislation, but I know that the result of such research we would amaze you. How many directives, regulations, opinions and recommendations, not to mention the Court of Justice of the European Union are implemented today in Romania and studied avidly! It avidly feels different from reader to reader, of course. For me for instance, I love reading about Roman law and Romanian because I would not be obliged to justify myself too much. Politeness mandatory to know the law according to the principle "nemo censetur ignore legem" seems a chore not address me and which, moreover, it is written by someone already dead. There is pleasure emancipation from any obligation. I like Romanian law. Sure, for some stupid is starting to national identity - but what starts are smart? Unlike ardent Unionists, me just motivates me the desire to be first of all Romanian and EU citizen then. Anyway Romanian law otherwise seen in Bucharest than in Brussels. Some say that the two are complementary, entrenched the idea that EU law is an organic part of Romanian law. Not true, it is only a constitutional obligation (Article 148 para. (2) of the Constitution. It is like an organ transplant, keep you alive but not yours and often graft does not work, the body rejects foreign bodies.

Today, the complete edition of writings in any doctrinal union rights include mandatory and the results of interdisciplinary research on Europe, European identity, place and role of EU law are key terms of scientific interaction between culture and politics European Union law. In the eyes of posterity, especially of posterity academic doctrine it is as important as the law itself. But many were not made by doctrine? To think only that a third of the New Testament - the foundation of Christianity - has epistolary form. As he wrote his doctrine (epistles), Paul lived in a world of confusion; disaster repeated low, a world threatened an uncertain world. However, in this world, faith in Jesus Christ, son of God could appoint the most stable foundation civilization known to history, rooted in the

world could the great hope, which, since then, never died. And this opera great, incomparable to anything else was done in epistolary form. The Gospels and Epistles were the vehicle that led the Christian faith all over the world. Likewise law generally led to the development of trade and international credit. Right today is an intrinsic element of our civilization. Everywhere they went people on this planet have gone and the law immediately. People felt that the issuance of a rule tantamount to sending their hearts. Without the body to move. What happiness enormous: you can send to your heart wherever you want without moving the body! Let's think about: a heart vine (ie exactly what is right) much like immortality or at least with youth without old age. Renunciation of quota intended from the outset that something unalterably damage to the man and then sent to another world, that you miss, is exactly what makes writing a law. The right perfume should have immortality.

Beyond legislation, by law, people have played with their own immortality, not just metaphorically but directly, physically. The probability that any legal rule issued and adopted during one's life physically survive author is very high. The legal standard is social par excellence, often exhausted and circumstantial insignificant details, but it is a document with immense endurance. Will speak about the immediacy of the ordinary laws of a society, but endures clear that speech over the centuries - far beyond what the body can endure. Law, *dura lex*, she has engineered the most powerful vehicle for time travel. Perhaps therein lies the splendor just right: it may be relatively insignificant and until fad, but has enormous potential of restoring the past now. Reading a text of law is not just a hole on the history of mankind, but a consolation that there are tools available that provide, however immortality. Sure that most laws are written for some unknown recipients, more than ever, but most rules are words written directly for eye/heart of a recipient precisely known - human society. EU law achieved these goals? I fear that the answer is negative as European identity, place and role of law and policy in the European Union are the key terms of the interaction between the scientific culture of European law, between law and politics as we analyze.

2.3. Culture EU law

Legal norm, kind of social norm, comes to regulate human conduct, provide the general legal framework in which it may take place, if necessary, being able to call the

coercive force of the state with the aim of ensuring law and order. Natural law as a source of moral and legal judgment, has been a steady increase in the Western tradition since the Renaissance period. It has spread widely throughout the period of the Enlightenment and came to prominence during the nineteenth and twentieth century's, when several sources of law, based personalization or state authority, becoming more challenged. The concept of rights guaranteed every person is rooted in natural law.

The right has often been viewed with some contempt by the followers of a particular legal cultural fundamentalism. Our legal culture, for instance, I was reproached too traditionalist. In this reproach easily detect a synonym: the right is somehow same morals and religion. And lawyer and moralist know something and improvise with talent, but messy, non-rigorous, especially in regard to the right. Big shots are given with treated System with specialists or other plan, with jurisprudence and doctrines of law as such. Accusation may be unfair and synonymy suggested above would seem invalid. However, right, sort of stiletto in the entire arsenal of catapults, spears and swords of democracy and the rule of law is not only useful, but also the power to reach the truth quickly and convincingly. Precisely because it is the most subjective way of expressing social interest can quickly jump right to objectivity, for, as the matter is exhausted light, objectivity is subjectivity faint. However, the right does just that: all the energy out of their own subjectivity and teaches, emptied of self, of the world. And that's objectivity! To the extent that truth is objective, which is not at all certain. It is equally true that the social norm par excellence, the right is a temptation. As can be the right quick to arrive at the truth, it may be an error. I've seen too many laws, euphemistically speaking, rambling lest I realize that they hide, always a trap. Specific politician drunk with freedom, and the lack of accountability (in the background is selected and is an attempt, nothing more), the legislature can easily skid, especially when it comes to union rights typology.

2.4. Typology of EU law

In the current European context, the EU legislation, treaties and union procedures, and understanding fully the European Convention on Human Rights, is an asset for law professionals. By title section we intend to bring to your attention to the complex issue of legal doctrine emergence of new legal types: type of European Union law. Our approach thus aims to answer the question: is the European Union law a new type of law, with

specific qualitative determinations? Argued for a thorough response is needed multidisciplinary study that combines elements of general theory of law, elements of comparative law and European Union law. To conceive a study of this kind should your research vast views must be well grounded. You have to analyze almost all the works that appeared to give an informed point of view. Of course, originality in my view should prevail in any work. The author must have his personal views.

I expressed my opinions and sure some will obviously be likely - no one is infallible law - and the other opinions. I long wait to see other opinions. Unfortunately - not that everything I write as undisputed - but I do not see other opinions. And they are often forced me to change my views and not the recommendation of others. I change my opinions when I feel it is beneficial to science. Should not have an opinion on who to keep still when looking at the issue more complex, they get the idea to change my opinion. Opinions want to be so well grounded that I also may be convinced of what I write that what I have written has a rigorous scientific substantiation. Currently, we are seeing some fascinating challenges regarding the European Union - discusses integration in a legal order above state about connecting to the interests supranational reconfiguring sovereignty, about the intertwining of national values with the EU and the harmonization of legislation. But creating a united Europe raises a delicate problem - compatibility of national values and those of the European Union. Unfortunately, the twenty-eight national identities are threatened by this process so that we wonder, on the other hand, if the peoples of Europe are prepared to give up elements of specificity and embrace their "unity in diversity". Perhaps European Union law, which is characterized by multilingualism and too much dirigisme be considered a new type of law, appeared in view the laws of the world? We believe that, just as far as the European Union is based on a legal will self and the principles and values that are within the eternal law, both the rationale individual and national identity of the member states is possible "unity in diversity "and so the existence of a new family law. From this perspective, I felt it would be beneficial conclusive research and review and Court of Justice of the European Union in shaping law principles characteristic of this new legal order.

Identification and analysis of the general principles of EU law would be also an important and useful approach to the legal world, due to the overwhelming importance of

this source of law in the European legal order, but also in the internal legal order of the Member States. Being a pillar of the legality of the European Union, general principles of law are necessary European institutions, being on a higher place in the hierarchy of secondary European Union rules. It should be emphasized that these principles also apply to Member States, when and to the extent that they act in European law. We also note that in order to talk about a new typology legal first need there is an autonomous will that decision-making process of the EU legal order, will not a simple arithmetic sum of individual wills of the Member States; Such States undertake to submit a separate legal wills of their own. Outside the creations of an autonomous will that legal order, the new typology implies the existence of general principles essential to steering the construction and development of the European legal order. We therefore believe that the term "typology" must be discussed before entering the actual legal analysis.

To investigate the phenomenon of European legal fine is imposed under observation typologies important legal work corporatists of the largest law since without such an analysis, we cannot detach traits EU law that betrays the idea of a new legal types. We begin our research from the definition of "typology" and to differentiate it from the "classification", which often is confused. Summarizing what was said in this regard, the classification is used when distinguishing between elements can be achieved by a single criterion, while categorization occurs when using multiple criteria, typologies being a particular form of systematization. Regarding the typologies, it is interesting that they have in common that they fail to include all the various types. We cannot meet "pure type" in any typological system, especially the kind that the idea is abstract, it is a mental construction, which corresponds to our desire to order logic natural phenomena which, by their nature, are not "ordered". Thus, we will never find the perfect typologies. To achieve a genuine typology, it takes a lot of work summary.

Typology that process is elected by the legislature to "choose from the diversity of possible relationships certain current exclusion of all others, is a reflection of the typical character of the rule of law." Instead, the classification process is that process that subsumes the legislature "certain groups of situations which general categories to apply a different scheme." Classifications aim to simplify regulation, by attaching common principles and legal regimes, because without them, the legislature should regulate each

case, which would hinder the creation of law. To be useful and opportune classifications elements must have "common essential features." Typological or typological method classifiers used in ancient times the legal sciences: Roman law is the type property owner's pater familias etc. In general, legal typologies are made in law by considering the elements and relationships of real life legal order to know more precisely what mechanisms or structural relations were established in a range of legal issues. Currently, we are witnessing a rapprochement and mutual influence legal systems of all countries, this is obviously very existence of the European Union, which gave rise to a new type of law - EU law. No matter how you perceive typologies, we note that today they are widely used and very popular with the classifications, regardless of the science that we're moving out. Moreover, some authors believe that typologies are simplified. Such as modeling or theorizing, it is false by definition, calling the contradiction. As noted by A. E. Bottoms, the conclusion of a report presented to the Council of Europe, "we must recognize that classification, whatever it may be, will not necessarily contain all the wealth individuality of people and could easily create a distorted image of man as a whole and his life in the community. Our work classification required for improving our knowledge will result in failure if, in our effort to understand, lose sight of these truths."

Right "is born and also develop language, recorded continuous transformation in a slow evolutionary process." If you connect to the social environment, the right evolves with society today more than ever, in this globalized world, people coming into contact with each other. It requires an understanding of the rules governing legal systems. It requires a common understanding of the rights and obligations of men. This thirst for knowledge is watered by the science of comparative law, explaining institutions and legal concepts in the context in which it occurs, their dynamics, analyzing concrete social conditions arise. Comparative law should be broadened beyond observing similarities and differences between legal systems and should slide into abstraction, in order to analyze the causes genesis and evolution of legal phenomena and concepts crystallization. Moreover, as Twining note today "in a globalized world, cosmopolitan and general studies on the science of law and comparative law should become cosmopolitan, as a pre-condition for a revival of the general theory of law and reconsideration in full comparative law".

By using the method typological classifying, analyzing legal history, and distinguished existence of overlapping systems of law, which raises the question typology of these systems. Interestingly, underlining Leontin Jean Constantinesco as typological classification characteristic beginnings "of a proposed classification author rejected the objections of another author, there is no scientific dialogue". All classifications presented show that the typology of legal systems is not entirely solved. The reasons? As pointed out Leontin Jean Constantinesco, "the first thing that hits you when you deal with this problem is dilettantism, superficial analysis or even the absence of any scientific examination of the matter. Corporatists who occupied it seem rather interested in demonstrating the flaws criteria proposed by other authors were eager to propose their own classification, which does not really worth more. "There are several reasons that you mention here: the lack of a serious examination of the problem of classification laws, considered fields to group were not the determining any part classification and ungrounded is necessarily false, spread of civil codes in the world cannot be the criterion classification, the heterogeneous nature of the proposed criteria. One of the most important reasons is the inability to provide micro comparison classification criteria, requiring macro comparison.

From this perspective, this paper attempts to join all the efforts for a fair interpretation of EU law on track for setting the correct assertion of national identity. Identifying the problems raised by various texts that compose the current legislation or union that could lift them is the most important. It is a reality. Any law is imperfect, to a lesser or greater. So, it is more important concern for an ingenious interpretation of a legal text interpretation made in the spirit of the regulation that approaches as much of an illusory perfection. Sure interpreter may sometimes reach the conclusion that only the intervention of the legislature can clarify really a problem, and then has the duty to say so bluntly. But legal mechanism should continue to operate, unable to stop to wait for the intervention of the legislature, intervention that will occur often late into the context in which the idea of identity, sovereignty and national unity seems to come out of the vocabulary of Romanian citizens

3. Right Romanian - reflection of identity, sovereignty and national unity

I started on this path stirred up being call academics Romanian by the Romanian people, To Romanian state institutions, initiated on 8 February 2017 academics Victor Voicu, Ioan-Aurel Pop, George Peacock and signed by a large number of members of the Romanian Academy, call expressing the position of the Romanian Academy, the institution fundamental identity, which a century and a half serving Romanian Nation. To avoid accusations of nationalism, restore him in integrum, as he formulated. "Concerned by developments in domestic and international in decades, characterized by a continuous and alarming attempt erosion of identity, sovereignty and national unity of Romania, with many shares placed under the sign of globalization leveling or an exaggerated" political correctness ", and many actions are directed against the State and the Romanian People (rewriting biased, incomplete or even mystifying history, denigrating national symbols, undermining the values and fundamental institutions, sabotaging the future, disinheritance generations who come after us by selling land, resources soil and subsoil, through massive deforestation, by disposing of or bankruptcy of economic units, by degradation of education and health system through excessive politicization of all subsystems state and society, which has the effect of de-professionalization, confusion of values, corruption, lack of efficiency, further social unrest) , concerned particularly by attempts recurring "regionalization" of Romania or creating enclaves autonomous ethnic, contrary to the Constitution of Romania and trends of European integration, totally unproductive in terms of economic, social, quality of life in these areas, express our firm against all these actions, we stand strongly in favor of identity, sovereignty and national unity, ask the competent institutions of the Romanian State, at all levels, to watch and act to prevent, to counter and when break the law to punish all diversions and aggressions against identity, sovereignty and national unity and stability of Romania rule of law.

Call to join us in this endeavor, the entire Romanian people, all the inhabitants of this land, we are addressing in particular intellectuals, inviting them to be an example of wisdom and patriotism, we are addressing politicians, inviting them to work responsibly and patriotism for the good of Romania, even more so as we are on the eve of the celebration of the centenary of the Great Union, the centennial of bringing together all the Romanian provinces event that the Romanian people waited for which he suffered, worked and fought so many centuries and that the sacrifices made by so many.

Let us honor the heroes, to be at their height, leaving future generations, all the inhabitants of Romania, a country united, sovereign love for the past and for its culture, with self-esteem, mistress on his land, educated and prosperous country United Europe, but with its own identity Romanian. So we judge the future!" So, more than 10 years after Romania's EU accession, our approach aims two goals (conclusions - proposals) offering creative solutions substantiated and valid from a practical standpoint as they thought of renowned specialists; creating a debate leading to the formation of a doctrine mature located at a scientifically satisfactory doctrine, along with the judicial practice to be able to fill gaps in law union under the mythology and legends have made us an idyllic image a world that could exist in the presence of the Gods among men it was not even extraordinary. It was a world where either they were called, whether they wanted to blame the gods were sometimes present among them, among the people.

World Law also has its gods. After 27 years, they have emerged, grew and matured in this world. Among plagiarized real or invented, their reputation is recognized and obeyed their verb. Detach. Create then beaten paths. Uncultivated land broken up and run never before. I work. They're serious. Their minds are taught to dig and continuous combat, approve or overturn. Some of them rarely admit their weakness previously held theories, acquiring other more robust. It's something to admit that the Romanian doctrine! 27 years of free legal doctrine or released but were held and a separation between the expectations of practitioners and authors' responses. Practitioners say they do not receive answers and departs doctrine. And a closer in major disputes by legal opinions that bases its allegations. Rarely doctrine that was used this year to practical situations. Right is a social science. About and for people. This gave was accepted as a utopia. The authors write more academic focus without necessarily real-world expectations. I had to appear in public law to release the payment, social impact, politically or financially huge, because the doctrine to roll up your hands and lean, very practical and focused on it. Rarely will we see the power of doctrine as we have it now. What would the world be so Romanian law focused only on laws and how as important? To show force, putting an entire doctrinal mechanism in the service of the just? A people? A their greatness?

"Law greatness" is a phrase used derogatory phrases and meanings. Without being in this situation, I saw the beauty and force of law in this world. I do not know if you

missed something. Perhaps the balance. From Latin and his immortal principles and legal consultants, to the latest findings and allegations, the debate made us realize why we credit them, venerate and invoke into folders and open discussions on our Gods. The gods on current legal world. I saw the waste of energy and arguments. I saw scaffolding and construction companies. I learned things I had no idea. We have mastered ways. I noticed how beautiful it is right. Why we love it and what is important in our lives. "The greatness of Law" is given the interpretation, by the time they are made by people who do! It is labor continues by trying to bring justice closer to the people especially now suffering because of these mutations law legislative extremely common, often uncontrolled, out of control. And what is living in the present historical evidence that such things are. Now that the lawyer must be a man of the city, a man who believes in destiny homeland of the rule of law, values of real democracy, of a constitutional democracy in the deepest sense of the word, especially in the destiny of this country a patriotic perspective, national and European alike. Law governing the institutions work for state institutions, rule of law genuine virtues, not only declared by the Constitution or laws and is addressed to people, society.

Like any other form of human organization, our society rests on a certain conception of man that gives human life meaning. From a legal point of view, we consider to be a subject endowed with reason and holder of inalienable rights and full religious. But from a scientific point of view, we consider it an object of knowledge, biology, economics, social sciences etc. allowing us to discover them and to explain behavioral laws. These two perspectives, subjective and objective, the human being are the two sides of the same coin. For we first need to relate to mind to consider the body as a thing. The notions of subject and object, person and work of spirit and matter are defined by mutual antagonism. None can not be conceived without the other, and without them, the positive science would not have seen the light of day. It has postulated that man is endowed with reason a topic for science to be possible. And this definition of human being does not follow a scientific demonstration, but a dogmatic assertion; Law is a product of history, not the history of science.

Current debates on bioethics would have more to gain by opening themselves to the history of our conception of human being, which is a part of the history of the Christian

West. This concept, whose heirs are, is the imago Dei, the image of God created man and called as such to require that the master of nature. Like him, man is a being one and indivisible; His also is a sovereign subject, verb endowed with power; like him, finally he is a person, a spirit incarnated. But, created in God's image, man is not God. Its unique greatness derives not from himself but from his Creator, and he shares it with everyone else. This is where the ambivalence of the three attributes of humanity that individuality, subjectivity and personality. As an individual, each person is unique, yet like all others; the topic is sovereign and tributary common law; as a person, he is not just a spirit but matter. This whole anthropological survived secularization of Western institutions and the three attributes of humanity to be found in their full ambivalence in law. The reference to deity disappeared from the right people, without the need logic disappear give every human being a guarantor Instance of his identity and to symbolize the ban to treat the man as a thing.

4. In place of conclusions: European Union law, a way of being...

One of the first truths I learned from the Faculty of Law was with the difference between legal truth and truth in reality, the need for clarification about the terms before starting a debate or write something. In some earlier writings, I used the words European Union law in the classic sense of the definition provided by different scholars in the field. EU law is not a term invented by me, but I tried to understand after reading much of what was written and published in this matter and especially, preparing my courses for students, my real judges, wanting to do Community law as accessible words and then EU law. That said in the clarification of terms, to halt nițeluși the other options of the author, which conferred the fellowship of legal phenomenon. Moreover, those who meditate on the law, I am sure that they understand that if you do not put in what you do and warm your soul, your professional consciousness, your human consciousness; your work is sterile and draws less. Therefore, in my expression, whether it happens in the written word, the spoken word, I try to make a symbiosis between the two components, because you have to get not only the mind but also the conscience of those who read it, whose mentors - in the best sense, more beautiful and deeper - we want to be.

The legal basis of the European Union is represented by two treaties: the Treaty on European Union and the Treaty on European Union. Name more known, "Lisbon Treaty" is, in legal terms, a treaty amending legal instruments earlier, a compromise between the need for reform on the one hand, and the need to preserve the symbolism and the declarative ambitions to a level as low. In fact, what does EU law? Rather than a strict orderly regional architecture, it is a kind of broad regulatory DIY we are witnessing. Choosing to see the Europeanization and uniformity in terms of the legal norm, I tried unsuccessfully to evade the passion that approach would involve a too nationalistic. Best observation area is not so much deterritorialized sphere of trade, as the people themselves, their concerns, sharing their ideas. Moreover, we will not be surprised to see specialists in law dedicating themselves to such assemblies they who are constitutively split between the political pact, on which to watch and the demands of justice that must materialize between "creative forces" of law and states. At the same time public officials and independent lawyers, performers have a right état, but considering and on a union as transformers of private calls and defenders of public interests, ideologists play an interface within Europeanization and globalization.

This interpretation union legislation in terms of "DIY" moderates usual cosmopolitan interpretations. Otherwise it might be useful to distinguish between "cosmopolitanism high level" and "cosmopolitanism at the grassroots level." The first term could be considered located in the states of concern if they would be willing to merge into a world state or to join in a "federation of states" designed to resolve conflicts and avoid wars. As for the second, it does not pass through this unlikely setting. It means rather a present experience, awareness of interdependencies of increasingly powerful, inexorable, resulting in exchanges but also tensions and oppositions, and that we need to be given an ethical sense. This second kind of cosmopolitanism arises field and is distinguished by three characteristics of 'cosmopolitanism higher level. „First he goes from the particular and not the universal, being built entirely from individual cases that judges "are trying to settle in a way as rationally as possible. There is no point of view transcendent prevails, what prevails is the only confrontation of viewpoints. Especially judicial exchange, case-law and transfer it operational zed EU law by imposing Member States. What immense power is conferred to people, one elected by referendum, but only

called sometimes based on political or kinship or friendship with ephemeral makers have power to make law. The same can be said of the judges of the European Court of Human Rights. This new law not bases its authority on some prescriptions often saturated universal understanding globalization. He is the expression of the European Union. If it happens to attract national interest, he must pass through a sieve argument and obtain approval from others. This "cosmopolitanism at the grassroots level" is certainly not insensitive to antagonism which exists in every human society, and this is the second feature of his claims that he can overcome them by putting them in a common language.

This is as cosmopolitan as in a paradoxical way: on the one hand he aspires to pacify relations at the EU level, but on the other hand emphasizes the tensions between legal systems between legal cultures. Switching between judges really combines concern for coordination and the fight for influence. Perhaps Kant gives the following formula best suited to this apparent contradiction: to achieve a society cosmopolitan, he says, is driven by conflicts and confrontations, what Kant means by "unsociable sociability" of the people ". This cosmopolitanism must finally admit its important limitation: that the political will and exchanges between judges can not give direct answers to questions primordial political scene: Who governs? Where lies the authority? Who makes the law become applicable? Therefore judiciary remains conditional exchange policy and is unable to trigger this new order is dreaming Brussels union or the union law. If a "common world" appears indeed through these exchanges judiciary, in reality they do not provide any "community", and no "system".

Various judicial forums allow above all a rationalization of Europeanization. Sharing court therefore does not produce anything that can replace national systems or could establish an international order. Portrait of judges that we can change in the EU cannot rally teleological visions that would like to pursue a trade their unique purpose, making a union legal order and therefore a better union. However, "cosmopolitan ambition" characterizing these views on the operationalization of EU law can be maintained, provided proposing a more nuanced cosmopolitanism, which rely on a law adapted (cosmopolitanism lower level). It is a vision "liberal realist" of cosmopolitanism, if we can say so, which relies on normative regulations abstract, impersonal and rational, but without appreciation vanguard of a global future. Described the exchange of judges

has certainly seductive power of the great post-national theories. It does not cover any order or unification, and leaves unanswered many political interrogations, which as we have seen, require different space than inside the judicial debate. In this sense, cosmopolitanism to which it leads may seem disappointing. Not only did he remove the power relations between states, but is incomplete, no doubt impossible to become full and about. But there: the judges are exchanged between them and create a society. And force these exchanges so keep this to take into account existing and scale of his character, and partly conflicting, representing their brand.

From another perspective, the European Union's accession to the European Convention on Human Rights requires interaction and integration of two fundamentally different legal systems. The legal order of the European Union was built on economic integration and gradually incorporated human rights protection. The Convention on the protection of fundamental rights and freedoms established by case law of the Strasbourg remarkable standards. EU accession to European Convention on Human Rights requires interaction and integration of two fundamentally different legal systems. European Union law is based on subsidiarity and dialogue between national courts and the Court of Justice of the European Union, while the Convention is central to individual action. After many years of debate and hesitation, EU accession to the Convention became a certainty after the entry into force of the Treaty of Lisbon. Primary EU law provides that accession will be subject to certain conditions, including individualized need to respect the autonomy of Union law and powers of institutions, transaction exceeds this study, an initiative that should examine all the legal issues raised by accession, starting the critical issues regarding the protection of human rights in the EU and acceptance Court of Justice of the European Union of an external control and deal with the concerns of the EU's accession agreement to the Convention. Who will arbitrate a legal conflict between the two European courts and how it will be settled on the assumption that both are independent of any interference?

It would be too complicated to answer! Therefore, in a circle to be a simple man, unsophisticated, generous but stubborn dignity. I worked tenaciously holding that nothing is more admirable than the bread's life that wins with sweat. The theme of thorns life is mysterious and fascinating. But since we started with a thought of Celibidache about how

to deal with a piece of music and I found this thought a little methodology to understand destinies, close with another thought of the great conductor: any piece of music, the end is the beginning in a kind of hidden latency. Maybe our lives are like a piece of music, maybe so, and with European Union law.

Anticipating conclusion, I will write here and hold fully accountable: As shown in the EU died in the decade we are all Muslims because of our stupidity. EU and Europe live in a pagan and atheist, are laws that go against God. This moral and religious decadence favors Islam. We have a poor Christian faith. We need an authentic Christian life. In addition, they have children, and we have. We are in decline. We help without delay, those who come from outside and forget the many poor and elderly Europeans eating out of the trash. I am a protester, I would demonstrate market. What is the purpose of so many migrants, rather thank us for the food that we give them, throws and even organize riots? Giving money migrants is not only wrong but also morally harmful because they encourage behavior so they get used to it. Sometimes I think this contributes to networking beggars.

My dear readers, I can tell very well that is why I predict that by the end of 2030 European Union law will die. Now, however, nothing announces the death of this sui generis right - and then renamed union Community law. On the contrary I would say, ideologists, specialists supporters of Europeanism write increasingly more treaties, organizes conferences and symposia, EU law is taught in universities as a compulsory subject for study programs of undergraduate, masters or doctoral the Romanian Agency for Quality assurance in higher education (ARACIS) evaluates authorization / accreditation of higher education institutions and study programs or periodically to evaluate institutional domain and program.

Let me say it as in my childhood when in the same way they spoke and wrote about the history of the Communist Party of the Soviet Union or the eternal continuance of Communism under Ceausescu. Or metaphorically said, all that time there was a way to communicate - letter. People I among them, wrote their increasingly more letters, given that postal services become safer (although some of the letters to relatives overseas or intended new found them loose, not tired "our readers" to stick envelope or simply do not reach their destination!), faster and more comprehensive than ever before. Now it's easy

to know why the letters have died, speak in the past tense. About the legal order of the EU in its future bleak future in which I and many of my generation lived! But the letters are no longer used today?

Not because people no longer communicate, but because communication instruments changed. Viewing the world: today write emails, SMS, Facebook messages, talk on the phone amazingly easy with anyone, anywhere, anytime. Obviously, it changes the quality of communication instruments. Convey as writing a message, that hasty, short and informal. Some believe it is a direct link between the generalization of this type of communication and massive illiteracy society. But the strongest argument in support Allegations death of EU law is not only the message but also the communication quality thereof or of its intelligibility. By the way, how many law specialists fully understand the contents of the Lisbon Treaty!

Coolest saddens me my fate of Romanian, when they see that the Romanian Parliament, as perceived now passed a law that traders of food are obliged to categories meat, eggs, vegetables, fruit, honey bees, dairy and bakery to purchase these products by at least 51% of the cargo shelf, specific to each category of food from the food chain short, as defined in accordance with legislation. Therefore, the law obliging supermarkets to sell 51% of Romanian products should have come into force on 1 January 2017. According to the law, at least theoretically, farmers will have a place to sell their goods. And if not law-abiding, traders are likely to temporarily suspend work, plus and heavy fines from 100,000 to provided 150,000 leis. But this is unlikely to happen. Because meanwhile something happened that took the authorities by surprise.

If applicable law supermarkets, Romania risks opening of infringement procedures by the European Commission. More specifically, Romania received an official warning from the European Commission that Brussels could start infringement procedures in relation to the law adopted by the Romanian Parliament, which requires that 51% of goods sold in stores are produced in Romania since that law "violates the principles of free market and the Community Treaties". In other words, that law would do nothing but encourage unfair competition for Romanian producers. But things are not as clear as they seem at first glance. EC seems to forget that in July 2014, the European Commission adopted a Communication which encourages Member States "to identify ways to improve

the protection granted to small producers' agribusiness and retailers against unfair trading partners thereof, which are generally much stronger ".

There would be three solutions. First, a short and clear the law say that Romania Romanian products not only sell in supermarkets! Even if we enter the infringement, at least we know that we have only Romanian products and we finished the fair. Second, to properly regulate relations between producers, processors and supermarkets in the sense that, when speaking of Romanian products, to speak Dies product partnerships, as is done in the civilized world. And third, close to the first: according to union executive must eat badly, poisoned food on the EU market and to get ill quickly, we treated with medicines supplied all of them! The conclusion is clear to understand what concerns me: who uses EU law? Nine novels under any circumstances!

Like any scientific research and this paper has a number of inherent limitations, which we hope will not have a significant impact on the conclusions we have reached. We are talking here about the limits of theoretical research and the researcher bias. The purpose of this paper is not to try to resolve all issues raised by the theme, or the analyzed because this goal is not realistic. Of course finding answers to existing doctrine creates the appearance of other questions that need to be analyzed in the future so that there are new research directions. They remain in his mind the words of Francis Bacon who stressed that "there can be two ways to investigate and uncover the truth. One stands like a flight data from the senses and the particular facts to general propositions, and determines and reveals these principles considered as an unshakable truth, sentences medium. This is the way employed today. The other sentences out of your senses and particular facts, rising continuously and gradually to arrive finally at the most general propositions. This is the true way, but still untried ". We hope to have ventured on this path, "yet untried" and provide answers to many questions about EU law.

Although there have been discussions and work on this issue, we believe that these issues have not been used, leaving space for academic and scientific discussions. Furthermore, research Court of Justice of the European Union to analyze the fundamental principles of EU law is an innovative approach in addressing this issue. The innovation lies in how to analyze the topic and approach and explanation from a different perspective, the concept of "European Union law". We believe that the identification and analysis of

the general principles of EU law is an important and useful approach to the legal world, due to the overwhelming importance of this source of law in the European legal order, and the domestic legal order of the Member States. Being a pillar of the legality of the European Union, general principles of law are necessary European institutions, being on a higher place in the hierarchy of secondary European Union rules. It should be emphasized that these principles apply to the Member States, when and to the extent that they act in European law. As part of the EU legality it is clear that they must apply either national or European level, in any situation governed by EU law. It is true that the European Union legal order to keep the front page of national and European media, whether in print or in online. Union law concerns not only lawyers, but generally Romanian society these days and in this time we live. As for me, a contemporary of these times, I see as that vector spiritual and material capable polder annihilating a company which I consider drifting gangrenous massive disease immorality, creeping corruption and inertia, which could It gives rise to a new moral and spiritual regenerating. In an era of ideological polarization and purifying antique right it is to immediately denounce any attempt to cancel the fundamental rights and freedoms, to end the alleged chaos constitutional democracy.

There is a suicidal idea, on the contrary seems ideal solution, there have been examples in history and the reach of any apologist of European unionism. Thus, when German historian Hieronymus Wolf called in 1557, the passage of a century after the fall of Constantinople (1453) Eastern Roman Empire - Byzantium (previously, there was call in Greek even named - very interesting! Romania, (perhaps premonition for naming future Romanian state unified), great Romanian historian Nicolae Iorga published in 1935, along with other numerous studies and books on Romanian history and the world, the monumental work Byzance apres Byzance/Byzantium after Byzantium work reveals wire spiritual leader of various rulers of Byzantium and the Romanian countries. Title historical work, unique and skillful presents synthetically some truth, standing on historical developments in a historical epoch longer to be applicable metaphorically, in the current circumstances.

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