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INTRODUCTION

In this issue, there are studies with a pronounced interdisciplinary character – law, economics, physical culture studies, cultural studies, and history. This "melange" aims to identify, using various tools, *the world we live in*. This issue also serves as a prelude to two thematic issues, namely issues 3 and 4 of this year, whose articles already in the journal's analysis and validation portfolio will outline directions, trends, and effects of processes in the contemporary world.

We mention here a study that targets historical memory – whose updating is constantly necessary, concerning Nazism. The connection to this component of studies dedicated to law is by no means misplaced, signaling a major point regarding the quality of education in the system of order and public safety. Additionally, a study on the importance of the environment in the contemporary world is not without significance, highlighting breaches signaled by the CJEU that are subject to infringement in various countries within the European Union. Artificial intelligence cannot be absent from contemporary debate, just as environmental aspects, urban planning, or studies dedicated to decisions projected by local authorities towards communities cannot be omitted.

All these elements give identity to a valuable issue that we propose to our readers.

Mohammad JARADAT, Professor Ph.D

Rector of „Bogdan Vodă” University from Cluj-Napoca

THE QUALITY OF EDUCATION IN THE SYSTEM OF ORDER AND PUBLIC SAFETY, FOUNDATION OF THE LEGAL ACT

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ABSTRACT

The quality of law enforcement is determined by the quality of the people who do it. The quality of these professionals is given by the quality of their education. It follows that the education .of people from law enforcement is decisive in the legal act. A problem would be that these learners are adults. The quality of adult education and the particularities of this education must be taken into account. Quality management is also applied in education.

KEYWORDS: *the bases of legality, adult education, public services, quality of public services, quality management system, implementing quality management in MAI schools.*
J.E.L Classification: K1, K14, K21, K33

1. INTRODUCTION

The quality of law enforcement is determined by the quality of the people who do it. The quality of these professionals is given by the quality of their education. Students in such schools are adults.We started from the level of common perception, and also from the results of some studies and concluded that in Romania aggressiveness of some groups has drastically increased, the street safety has decreased, and the severity of events and accidents is alarming. Police officers (who,according to some opinions, have large effectives) are now better supplied with modern equipment.The institutions that have responsibilities in the order area have increased, yet they are not able to handle the crime phenomenon well enough. For all these reasons, but also for many others, public satisfaction with the quality of officials in the public order and safety system is at a very low rate.

What happens in the schools of this system is likely to offer an answer, and also to give a solution to this situation. A feature of this particular area and its schools is that, although their students officially and legally become officially and legally police officers and gendarmes after graduating the exam (when the distribution is made and after the contract is terminated), the candidates admitted to such a school, after two years of study have the certainty that, after two years of study, will be employed in the system. In other words, the selection of people for the profession is made at the admission phase. This fact and feature led us to focus our attention over the quality of the education system in the segment of public order and safety. The quality of a public service depends on various factors, not only on human resources, but there is an order of priorities and an intensity of deficiencies.

In this system, the most serious problems, frequently reported by customers / citizens were those related to the quality of its component individuals, being a direct observation and also the result of previous research that motivated the own study which we believe provided us useful information. Helpful and effective because is normal to want a community satisfied with its police, a force with suitable people, with profile schools whose students enjoy what they do and passionate teachers that have the opportunity to prepare committed students.

2. WHAT ARE WE TRAINING THESE ADULTS FOR? ORGANIZATIONS AND PUBLIC SERVICES

According to the legislation, public order is represented by state of legality, balance and social peace, corresponding to a socially acceptable level of respect for the rule of law and civic behavior.

Public safety, according to the same regulatory framework, it represents „feeling of calmness and confidence that is provided by the police service (state institutions) for measures to maintain public order and safety, the degree of personal, communities' and property safety, as well as to achieve the partnership between civil society and the police in order to address community issues, defense of rights, freedoms and legal interests of citizens "

Romanian Police has the following organizational structure: General Inspectorate of Romanian Police - GIRP(Inspectoratul General al Poliţiei Române - IGPR); territorial units subordinated to the General Inspectorate of Romanian Police; General Directorate of Bucharest Police (Direcţia Generală de Poliţie a Municipiului Bucureşti) and county police inspectorates; educational institutions for the formation and training of personnel; other units required to fulfill specific police duties established by law.

The public order and safety system represents all structures that can act aggregate or individual to provide and maintain the public order and safety but by law the polices service gains a major dominance of the field.

The notion of service quality, presentation of the results of different approaches in specialized literature sometimes in comparative manner, in terms of importance and quality of service characteristics revealed the existence of determining relationships between service performance and the quality management system implementation.

I completed the presentation of this topic by analyzing examples about "perceived quality of public order and safety" using data from various sources but mainly from four directions. Firstly, meaningful and stimulating seemed an example of implementing the quality management in the Swedish Police, development and use of a special quality index to which I added selected data from the National Institute of Criminology in a study of dimensions of violence in certain areas of Bucharest. However depictions of segments of the population from the rest of the country were needed so in this matter useful was the study of the territorial authority of the Public Order Cluj about attitudes and representations of the population towards Cluj County police and in order to have a national panorama we have highlighted the most recent national data available from "National Strategy for public order".

It is pointed out that institutions as important as those of public order and safety have serious problems in the way they are perceived by their customers. One of the main problems when educating adults is that we have to implement quality management. The police school from Cluj stood out at the national level by obtaining certifications regarding quality management, even if until now these certifications were not obtained in the actual educational activity. Taxpaying citizens have an additional argument for the implementation of the quality management system.

3. WHAT DOES THE QUALITY MANAGEMENT SYSTEM MEAN FOR ADULT STUDENTS?

The quality management system gives importance to the most relevant approaches such as systemic treatment and the eight classical principles of quality management. Key aspects of the system, management responsibility, resource management, quality system structure and documentation are presented with reference to education and public order systems. The structure and documentation of the quality system is introduced in this chapter and the two components, the quality manual and the quality management system procedures, have been detailed.

It was pointed out that in some places the quality manual in public services as well as several other quality documents raise a number of problems. Consequently, in Romania there is no serious experience in the development of the quality manual. In public services provided by public institutions, most of the time, procedures and work instructions reflect more and, in particular, refer to what should be done, to a greater extent than what is being done. That is why we can say that the customer will benefit more from the Quality Manual than from the service itself.

Among the key aspects of the system, human resource management was interesting because of the two major sides of organizational interest, personnel selection and training. Moreover, human resources were given special attention during the work.

The SR EN ISO quality standards, which are in fact permanent benchmarks and the operational elements of the quality system, were examined separately: service need identification, schematic process, provision process, analysis and improvement of the service result.

As mentioned above, human resource management issues in organizations belonging to public order and safety system received special attention due to the socio-economic conjuncture. The perception of human resources as dynamic, complex structures continuously adapting to the requirements organizational environment is a desideratum to improve the quality of these services. Methods of recruitment, human resources selection, the career and promotion of public officials and assessment practices are illustrated and argued along with examples of selection systems in several countries.

With the intention to avoid uncertainty and weak validity of a single evaluation and selection technique most European countries use combinations of techniques that are applied together as part of the selection events, generically known as assessment centers. These events may take between1-3 days just for a test and candidates on a post or a place at a police school, can be tested through a variety of techniques such as exercises in perception, communication exercises, structured interviews, personality inventories, questionnaires on specific topics or thinking tests.

Table 1 The weight of selection exercises for police in the assesment centres

Interview with jury	Writing several papers	Group discussions	Problem solving	Simulation	Simulation of an interview with the media
77%	77%	62%	38%	23%	23%
Simulation of administrative procedures	Oral presentation	Physical testing	Individual interview with an examiner	Acting in different paractical situations	General writing exercise
16%	16%	15%	8%	8%	8%

Attention to admission to such school should be high because in principle places are allocated in such a manner that all graduates theoretically can be employed in the system. In the world, every country, land, police structure and institution may have its own system of selection. Comparative analysis may reveal, however, that several general principles apply in broader sense to achieve the common goal of selection: choosing the best, most suitable and well trained people for the profession of policeman.

The exemplification does not claim a rigorous study but simple enumeration of some different kinds of admission and selection system and is more than interesting and can generate questions. Data that was used was obtained from partnerships and contacts that police schools in Romania have with foreign educational institutions. For example, only the agent school from Cluj has partnerships with schools in nine different European countries and over 40 other exchanges of experience with similar institutions in the world. Also, data was collected through attachés of "interior", Romanian police officers working in other countries, obtaining information about 21 such institutions, of which I have selected some that seemed more interesting, not necessarily contrasting with what happens in Romania. However, the contrast is simply a parallel between systems but steps are under way for such comparisons to be made at the institutional level within the ministry, because the differences are striking.

In Romania, the admission test consists of the following stages: psychological exam, medical exam, physical fitness test, theoretical knowledge test. The knowledge test is conducted in the form of a test with multiple answers - 2 hours, the following subjects: Romanian language; / History (Police Academy only) / foreign language. The sports exam is highly criticized by some and consists of completing a sports route with various obstacles. The undeclared intention is to reduce the percentage of girls among the adult students in the Police School.

Especially now, due to the reductions in the background of the economic crisis, there is a review of the staff in the public sector. The number of staff increased a few years ago, unjustifiably, and about this phenomenon, perhaps it would be of interest in future articles, "Challenges of the reform of human resources management in public organizations" followed by "Current problems in the management of human resources in the structures of public order and safety' in current affairs.

4. APPROACHES TO QUALITY MANAGEMENT IN ADULT EDUCATION

The obligation to generate greater optimism in the capacity and performance of Romanian schools at the European/global level and the need to "restore trust in education" (the title of the national strategy), constitute the auspices that address the particularities of the quality system, of management in education. Introducing some new elements that entered the Romanian society after 2007 (accession to the EU), by connecting the local dimension to the values of European education, I explained the concept of the actuality of education, using aspects of the diachronic evolution of the Romanian educational system.

The coordinates of the contemporary national school in evolution and some successful moments of the Romanian education which was compatible in structure with the European one, through the implementation of the Bologna cycle. Taking as a starting point the explicit wishes of European documents related to quality assurance, milestones and important moments were identified in the introduction and materialization of the concept of quality in education, at the level of education systems in European countries and therefore in Romania.

The flexibility, the ability of the organization to learn from others and to introduce change and innovation once the internal and external circumstances are encouraging are vital for improving the efficiency of public organizations in Romania motivating for detailing the "excellence model for quality in European education" element that can contribute to the implementation of quality management and which is the subject of the next section is decentralization with its characteristics, objectives and inevitable obstacles.

However, as the decentralization process (EU rules for that matter) is more developed, the requirement at national level for viable, uniform and consistent quality assurance systems to avoid the potential negative effects of decentralization would be even greater.

However, as the process of decentralization (EU rules for that matter) is more developed, so is the requirement at national level for viable, unitary, coherent quality assurance schemes to avoid the potential negative effects of decentralization. Now the processes and actions of favoring, the implementation of quality management in the educational environment are recorded where the schools are positioned and described in detail in the educational landscape of this system.

The "Alexandru Ioan Cuza" Police Academy Bucharest is the higher education institution that is composed of all the faculties corresponding to the public order and safety system, but most of the employees, approx. 85%, come from specialized schools, colleges.

Post-secondary education in the public order and safety system consists of two police schools that differ in capacity, number of personnel and resources.

"Vasile Lascar" Câmpina Police Officers School - the unit with the longest tradition and the largest capacity for tuition and accommodation of over 3000 potential students and "Septimius Mureșan" Police Officers School Cluj-Napoca the newest of the schools and the newest. which stood out with the most competition on the spot (7-10 a few years ago). Unfortunately, this competition has decreased a lot, which shows that the profession is no longer so attractive for young people.

MAY the specializations are completed with four other post-secondary schools.

The "Avram Iancu" border guard school Oradea - but in most European countries, the Border Police is included in the national police, a phenomenon expected here.

Non-commissioned officers of the "Grigore Ghica" Dragășani Gendarmerie School and non-commissioned officers of the "Petru Rares" Fălticeni Gendarmerie School - the gendarmerie has a tradition in Romania.

"Paul Zăgănescu" Boldesti Firefighters and Civil Protection School for Non-Commissioned Officers - the profession of firefighter is the most respected in the system because, by excellence, firefighters save lives and punish less.

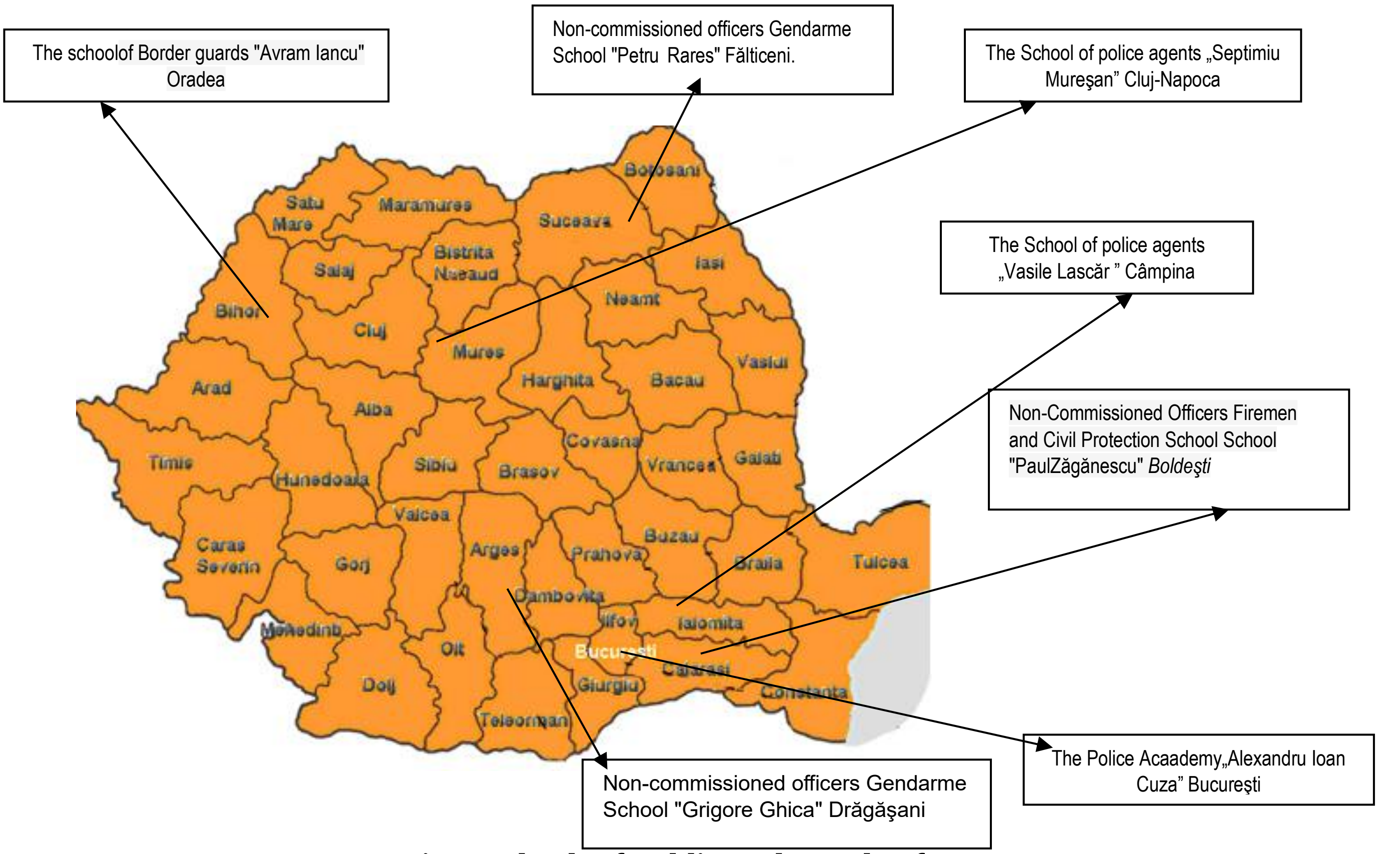

Fig.1. Schools of Public Order and Safety System

The process of learning in MAI schools described in this chapter incorporates the unification and standardization effort, which has in its structure units of competence - key, general, specialized and constitutes a serious premise for quality management, being compatible with the European norms.

One of the great challenges of the educational system of public order and safety is the euromodular transition of 2008, which provides greater labor market adaptability. In this way are acknowledged a set of competencies (general or key) as levels of training in many professions and functions.

For example, proficiencies that include notions of law, firing instruction and physical training instruction, in the case of social retraining could be recognized in several areas of the police, gendarmerie, army, border police, emergency structures, prison administration, etc..

The main directions of reforms in European curriculum of these schools of the public order and safety system are: education for all, relevance of curriculum for the individual and society, development of desirable attitudes and values, development of abilities, critical thinking, concern for appropriateness of training to the needs of each individual, maximizing individual potential, learner-centered teaching and learning, holistic assessment of performance.

5. NORMATIVE BASES AND CONCLUSIONS

The theoretical research has also focused attention on the basic legal acts regarding quality assurance in education, followed by an analysis of its implementation stage at the national level.

The connection to European values and internal needs require the creation of a "national quality management system in Romanian education", which is regulated by "Emergency Ordinance no. 75/12.07.2005 "regarding "Assuring the quality of education", which will be approved with additions and changes next year by" Law no. 87/13.04.2006 "for" the approval of the Emergency Ordinance 75/2005 regarding the assurance of the quality of education". In this way, the necessary legislative implementation of the quality management system was established in the entire Romanian educational system.

The most important is the Pre-University Education Law no. 198/2023. In this law, among others, shows how post-secondary schools comply with the quality management requirements of the MAI, the actual organization of the quality management system at the end of the chapter makes the jump to the empirical study, but also makes some conceptual clarifications.

Thus, public services, even more so in public order and safety, and especially the police and the specialized education system, should focus their attention on customers. Who are the customers?

First of all, the police structures where these adult students who will finish school will end up, but in the end the community and each of us will be the beneficiaries of a quality police education system.

Like in any other systems to better clarify the elements, even in the educational system of public order and safety we can talk about "stakeholders" – groups of interest.

Adapted to this system we can take the analysis of several groups:

- providers - colleges that provide for public order and safety schools with high school graduates who are potential candidates representing quality value added for them;
- product-users (students and prospective students from the schools of police, gendarmes, etc..),for those that quality means excellent - they seek to benefit from quality educational services, so that graduates are provided with better opportunities for their career and being able to graduate at a prestigious level;
- recipients (operative structures for public order and safety, particularly the county inspectorates branch, state and society as a whole) who are interested in quality in terms of suitability for a purpose, being interested in training for specific skills functions;
- Employees of the education system MAI – the didactic and administrative staff, they interpret the quality of observing a set of clear rules of conduct, under the auspices of ethical principles.

The costumers of the educational scheme in public order and safety system.

A systematization of categories of customers can be done.

- Primary customers: those who directly benefit from educational services ,the students for schools under consideration;
- Secondary customers: parents, county inspectorates gendarmes, police, emergency management systems, other operational and administrative structures that have an interest about the competence of individuals;

- Tertiary Customers: with an interest less direct but very important that builds public order and safety system, such as communities, society as a whole but as individual entities and citizens, the system of government.

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WINDS OF CHANGE? NAZI LOOTED ART PROVENANCE RESEARCH

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ABSTRACT

Throughout history, the plunder of cultural assets has been integral to war. Cities with valuable private and public collections were looted over time. The rise of the National Socialist party in 1933 led to the largest theft of cultural property during WWII, which was an official policy rather than a mere war incident. This national revolution also became a cultural revolution. The consequences of this theft still affect us today. This paper addresses challenges like the lack of professional provenance researchers and conflicts of interest in cultural institutions regarding the provenance research of Nazi-looted art of Jewish ownership in Europe. It examines two main obstacles identified during doctoral research on establishing standards for handling such art. The research, based on interviews with various stakeholders and document analysis, emphasizes the importance of provenance research in restituting Nazi-looted art to rightful owners and in preserving European heritage. The paper presents two key recommendations from the research findings.

KEYWORDS *Nazi looted art, provenance research, cultural heritage, restitution, cultural diplomacy*
J.E.L Classification: B15, I28, J18

1. INTRODUCTION

History shows that cultural plunder and pillage was an integral part of war. Cities, which contained private and public collections of valuable goods, were looted through time. The national revolution created by the National Socialist party (NS) in 1933 was a cultural revolution as well as political or economic one. This revolution's forbidden fruits have haunted the international community till this day and age. The theft of cultural property during WWII was not a mere incidence of war, but an official Nazi policy, to destroy an existing culture and rebuild a new one. Many art objects were lost during and after WWII, moved between hands and places, some of them will never be found. Art pieces can be part of known museums or other cultural institutions' collections, with no knowledge to whom they belong to. Some are even part of a current art exhibition, where there is no knowledge of the piece's provenance. Some states created policy mechanisms to handle the issue of looted art and create restitution and yet it seems that none had succeed to solve the matter. Legal battles still exist between cultural institutions and the art's possible heirs, over who the art belongs to. Yet the question remains unanswered - What is justice in that aspect and how does it look like.

This paper aims to explore and map two main gridlocks in conducting provenance research of Nazi looted art and of Nazi looted art of Jewish ownership in European countries, in order to function within the premise that every object has an owner. This paper will expose but a small part of an extensive research made as part of a doctoral research ‘Provenance research policy for Nazi looted art and Nazi looted art of Jewish ownership’. The doctoral research's main goal is to develop a policy model for European countries regarding handling Jewish-owned Nazi-looted art. The research reviewed and explored the efforts made by different actors to raise the attention of looted art to an international level, and the attempts made to reset their cultural agendas on the matter. The data collected for the research describis the existing decision-making mechanism in Austria, Germany, and the Netherlands, in addition to Israel's initiative process, using information and data obtained from different participants, in combination with relevant existing literature. These European state initiatives works to follow and implement the Washington Principles (1998).

The findings of the research rely in-depth interviews, document analysis and focus group interviews. Interviews were conducted with states government officials, diplomats, curators, cultural institutions directors NGO's and Jewish community representatives. This paper argues that provenance research is of great importance in reaching restitution of Nazi looted art collections to its rightful owners. Furthermore, this paper claims that provenance research of Nazi looted art is of great importance in maintaining and rebuilding European heritage by creating due diligence within cultural institutions collections and facing collections’ provenance. This paper wish to offer insights and present ideas to these selective components, which ultimately will be used to create a working model for European countries cultural policy for Nazi looted art, and Nazi looted art of Jewish ownership.

During the research it seems wind of change have been blowing recently within some European states. The topic of provenance research made headlines in international media. Even though the re-search did not reviews the French initiative one could not ignore The Art Newspaper publication made on March 2021; Musee du Louvre, launched a new digital database. The museum published online a complete catalogue of almost all of it's collection. Around 485,000 object records along with various details and photos to assist various researchers, simple art lovers, historians, museum personal and others of interests. The published catalogue lists as well, more than 170,000 work of art, which were recovered in Germany after WWII but yet to return to their rightful owners. These works art are managed by the museum and were entrusted to French national museums for safe keeping. In 2022 a French law was changed to allow restitution of looted art pieces, which are part of France national collections. The law allowed for the art to be deaccessioned from the national collection and to be resituated to their rightful owners. This law did justice with 15 art pieces, among them Gustav Klimt and Chagall paintings, which were looted by the Nazis and were exhibited on walls of French museums.

Another example can be found within the published report (2020) of the Committee for the Evaluation of the Restitution Policy for Cultural Heritage Objects from the Second World War, 'Striving for Justice'. This report shared an important view on the Dutch process of handling looted art. The committee made its audit with constant reference to the Washington Principles moral and ethical basis for restitution policy and made its public recommendations on December 2020. On June 25, 2021, the Netherlands government published a news item stating that more looted art was to be returned to its rightful owners. The Dutch government aims to return as much as possible of the art looted by the Nazis during WWII. Stating that systematic investigation of the art provenance should help achieve it. In September 2020, the Administrator General of the State of Israel reached out to the Ministries of Justice, Culture and Sport, Equality in Israel in order to renew the provenance research of Nazi-era looted art discourse, related to cultural objects located in Israel. Objects in museums' collections and other institutions where no provenance was made, no history or knowledge of the items' origins would be investigated. Stating the importance of conducting provenance research, the inter-ministries team formed a conference on Na-zi-looted art of Jewish ownership on June 28, 2021. The convention contained roundtable conversations and included all the interested parties. The conference goal was to put the matter on the public agenda, to listen to the different ideas and solutions in order to create a working policy model. These few mentioned activities are only a fraction to what is currently occurring on the matter of Nazi looted art.

The art world is invested in looted art since the end of WWII, and yet with no practical solutions or practical policy to handle the matter. Some European states have initiated plans and tried to create some change but being a complexed matter, not much success has occurred. The matter of Nazi looted art involves not only feelings but a lot of money and conflict of interests. Combining these components together might lead to a tragedy but on the other hand, by taking an extensive look into it all, learning and understanding the terrain, might lead to a holistic solution, a cleaner art market for sake of the public interest and much needed justice.

The first reviewed category, lack of professional provenance researchers, shows the importance of a professional provenance researcher for a restitution policy. In order to create an inventory of looted art and identify possible heirs a state and an institution need competent and professional researchers. The second reviewed category is cultural institutions'/museums conflict of interests in practicing provenance research of Nazi looted art of Jewish ownership in European countries. On one hand, institution wish to keep the art inside its walls and on the other hand wish to keep a clean reputation as owners of the art.

This paper will first present a short review of Nazi's cultural plunder history, then the methodology, which has been used for the doctoral research and this paper, will be discussed. This paper will show some of the research findings, conclusions and recommendations, which will be used in the future to create a working policy model for European countries which wish to handle Nazi looted art and Nazi looted art of Jewish ownership.

2. NAZI CULTURAL PLUNDER

All through history, plunder and pillage of cultural assets was an integral part of war. Cities, which contained private and public collections of valuable goods, were looted through time. The rise of the National Socialist party (NS) in 1933 showed all how a national revolution can be a cultural revolution as well as political or economic one. The forbidden fruits of this revolution have haunted us till this day and age. As several scholars have stated the theft of cultural property during WWII was not a mere incidence of war, but an official policy. The plundered art was mainly intended to fill the Fuhrermuseum located in Hitler's' hometown of Linz (Petropoulos 1996), (Nicholas 1995). Hitler's wish was to transform Linz in Austria into the Third Reich's art capital, and to display all Europe's treasures. The NS Party led by Hitler had an open policy of persecuting the Jewish people and destroying their cultural heritage; this well-orchestrated crime came to its conclusion on January 20, 1942, at the Wannsee Conference.

By following this policy, the Nazis knew it allowed them to confiscate major art collections belonging to Jewish families throughout Europe, as well as Jewish-owned businesses, bank accounts, etc. The theft of cultural property during WWII was an official and known policy acting towards cultural revolution (Kurtz 2006; Nicholas 1995; Petropoulos 1996). Joseph Goebbels, the propaganda minister, initiated and supervised this systematic plunder of Jewish public and private property. The looting of cultural property by the Nazis was recognised as a serious priority, as such it became one of the indictments against Nazi dignitaries at the Nuremberg War Crimes Tribunal (Feliciano, 1997). Several scholars (Breitman 1991; Edsel 2006; Kurtz 2006) review the following entities who carried out the plan to collect the appropriate art of Europe, namely Steinberg (2008): The Sonderauftrag Linz (Linz Special Commission), The Einsatzstab Reichsleiter Rosenberg Special Command Force of Reich Leader Rosenberg (ERR). Reichsmarschall Hermann Göring Heinrich Himmler, the Reichsführer-SS, head of the Gestapo and the Waffen SS.

At the end of WWII, looted objects kept on changing hands. Looted art pieces transferred between art dealers, art galleries, museums' collections, and various private hands. Looted art, stolen from concurred territories, were brought back to the states, and it was up to the receiving governments of each state, if and under which circumstances, they would return the objects to their rightful owners. It should be noted, that the vast majority of NS victims were Jewish citizens in Germany and territories annexed or occupied by German army, yet other groups of people and institutions were looted as well for reasons of race, world view, political opinions and religion (German provenance research manual, 2019). Yet, the Nazi's official war policy, was to destroy the Jewish community, by the distruction of their culture in order to create a new European culture. Culture's main character is manifestation, the ability to express the existence of society through creative art. The right to express one's thoughts, that is, freedom of speech as a fundamental right in a democratic society. This policy occurred in a methodical manner and on a large scale throughout occupied Europe.

Handling restitution of Cultural goods or engaging with provenance research was not any country's priority, in the years after WWII. It took decades for the problem to rise again to the surface. By the late 1990s, a new public and international awareness arose.

An unusual combination of historical, psychological and political events brought a new international and public awareness to the Holocaust and restitution over the 1990s (Beker, 1999). WWII's art' plunder was not a well-known part of history and did not often appear in the Holocaust narrative. The unification of Germany in 1990 and the dissolution of the Soviet Union in 1991 were followed by a number of goodwill agreements between Germany and the countries of the former USSR, as well as the opening of official negotiations on repatriation (Konstantin & Kozlov, 1991). Forgotten bank accounts, life insurance policies, seized property, and artworks that had changed hands many times were rediscovered in public museums or in foreign private collections by heirs of the previous Jewish owners (Steinberg 2009). The increasing value of art and the legal possibilities of recovering Jewish property arose in the late 1990s.

In 1986, the International Council of Museums (ICOM) adopted the ICOM Code of Professional Ethics. Since 1986 the Code has been amended, revised, and retitled the ICOM Code of Ethics for Museums 2013 (ICOM Code of Ethics for Museums (2013). In 1995 an international symposium named 'The Spoils of War—World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property' was held in New York City (Simpson, 1997). It intended to discuss the artworks, cultural property and historic sites damaged, lost, and plundered as a result of WWII. A worldwide interest on the subject of lost cultural property arose in the late 1990s. The international symposium addressed another, unfamiliar dimension of the war and elevated the topic to a public forum.

In 1998 a clear statement concerning art restitution, confiscated by the Nazi regime in Germany before and during WWII, was heard for the first time at the Washington Conference on Holocaust-Era Assets, December 3rd, 1998. Forty-four countries endorsed the Washington Principles and the task laid on each country was to adopt these principles to their own judicial system, legislate appropriate laws. Only five countries initiated some moves to implement the Principles to their internal laws, but only Austria legislated in 1998 the Federal Art Restitution Law (Fisher & Weinberger, 2014). In 2009, Austria updated and amended its restitution law in order for it to be less restrictive.

The restitution law allows state-run museums to deaccession (officially remove from list of a collection holdings) artworks if they are proven to have been looted or otherwise misappropriated. The goal of the 1998 Washington Conference and the non-binding principles was to complete by the end of the 20th century the unfinished business of the middle of the 20th century. Yet in November 2018, the German Lost Art Foundation organised a follow up conference to mark the 20th anniversary of the Washington Conference to take stock of progress and examine what remains to be done to improve access to the just and fair solution, which was promised by the Washington Principles. Twenty years on, that timetable had proved much too optimistic.

In 1999, the European Union issued Resolution 1205 of the Parliamentary Assembly of the Council of Europe (1999). The assembly added its weight to the process of restitution of looted Jewish cultural property to original owners or their heirs, be they individuals, institutions, or communities.

It called for the organisation of a European conference, further to that held in Washington on the Holocaust-Era assets, with special reference to the return of cultural property and the relevant legislative reform. In October 2000, the Council of Europe held the Vilnius International Forum in Lithuania as a follow-up to the Washington Conference of December 1998. As a result, the Vilnius Forum Declaration was drafted. All participated governments were asked to reach 'a just and fair solution' to restitute looted art. In 2009, a non-binding declaration was issued by 47 countries, agreeing for measures to right economic wrongs that accompanied the Holocaust against the Jews and other victims of Nazi persecution in Europe - The Terezin Declaration.

It is important to note that the Terezin declaration is neither a treaty nor legally binding international agreement. A year later, 43 of the signatories (excluding Belarus, Malta, Russia, and Poland) endorsed a companion document (Guidelines and Best Practices for the Restitution and Compensation of Immovable (Real) Property, 2010) which set best practices for immovable property. According to the guidelines, restitution of the property itself (in rem jurisdiction) is preferred, however, when that is not possible, payment or substitute property that is 'genuinely fair and adequate' is possible (Fisher & Weisman 2014). Summarising these major intergovernmental conferences and resolutions, it is safe to say that no mechanism exists to monitor progress by the 44 countries that endorsed the 1998 Washington Conference Principles on Nazi-Confiscated Art or by the 47 countries that endorsed the 2009 Terezin Declaration.

Some of the conclusions of the doctoral research showing a much-needed change of states' behavior over looted art policy. Furthermore, some of the doctoral research focused states are part of the change which presides over Europe.

3. METHODOLOGY

The data that was used for this paper was collected while conducting a doctoral research. The research attempts to understand via kea figures, views of the provenance research sphere, their visions and opinions, as well as their criticism towards states behaviour. The research attempts to study the subjects' thoughts, their personal experience, what they believe needs to be, and what assumptions lie at the basis of their behaviour. Through it we can gain a better understanding regard the provenance research of Nazi looted art phenomena.

Due to the nature of the research a qualitative research approach was chosen. Qualitative research produces findings by using data from the natural system, from the situation itself, while the researchers are studying issues in their own natural place, and trying to find meaning or to interoperate situations humanly (Shkedi 2003). A qualitative research seeks to gather an in depth understanding of the way people perceive and interpret the world of content from the participant's point of view (Weil 2005). The research main goal is to develop a policy model for European countries in regard to handling Jewish owned looted art under the premise that every object has an owner. Its secondary goal, is identify the social, ethical, legal, political and diplomatic issues and approaches which involve provenance research and to examine decision making mechanism and the way the international community sees the topic of illicit objects, restitution and provenance research.

The main research question is what components might comprise a policy model for European countries in regard to handling Jewish owned looted art? The sampling method is an important component in qualitative research because it has a significant impact on the quality of the research findings. The goal was to receive data from different points of view as per the same phenomena. Therefore, in order to view several aspects of one phenomena to look for possible patterns, the strategy of maximum variation was chosen. Convenience was also factored. The chosen contributors are professional curators and high-level museum personnel and government officials, each dealing with foreign policy and diplomacy, provenance researchers, etc. Hence, all chosen potential interviewees had the necessary characteristics and knowledge to contribute to the research.

The research criteria included relevant professional experience, analytic capability, important acquaintance with shaping policy or policy making, knowledge of the topic complexity, and experience working with international actors. However, those who could dedicate the time and were more accessible were interviewed. No compromise was made regarding their suitability to the research criteria and its requirements and the participants were selected intentionally. In light of the promised anonymity, there can be low risk of bias. The research objective was transferred to the interviewees and clarified prior to beginning the interview. Interviewees who took part in the research were very interested in expressing their personal thoughts and taking part in the research.

The research populations consisted of 17 participants who sat for in-depth interviews and five participants who took part in the focus group. The data was gathered form these 17 participants, focus group and through documents analysis, The group of interviewees includes 17 participants who served in the past and present key positions in Israel and differnet European governments, who served in the past and present key positions invrious museums, cultural institutions and in the provenance research sphere (Israel and Europe). Interviewees include government officials, senior civil servants, ambassadors, diplomats, and lawyers, as well as senior officials in NGO' agencies operating in the provenance research field. The interviewees' group includes eight women and nine men, ranging in age from 40 to 95 years. All the interviewees were promised anonymity. Because of the phenomena's characteristics and its ties to foreign policy, as well as the emotional impact of it, anonymity was necessary. In other words, it was important to give the interviewees a platform to express themselves freely, especially due to matters related to the conduct of the government, the emotional impact of WWII and, for some, the lost European culture.

As for the focus group, it included five participants, most of them in their 40s and 50s. All focus group participants currently work in the field of Nazi-looted art provenance research world wide and have significant international and national experience. In order to allow open discussions, participants of similar seniority and serving in different government branches were selected. In that manner, the discussion focused on the content, without other considerations.

The main issue in selecting the group participants was their experience in shaping policy models; it allowed them to express an opinion based on personal experience. All participants had substantial experience working with foreign entities operating in Europe. As for documents analysis, internal documents were gathered: working and various communication documents, various government publications, official press releases, and speeches. The material gathered provided information regarding the decision-making processes, the point of view of the country's foreign policy, internal considerations and the point of view of Jewish organisations. The various documents analysed for the research provided another perspective on the phenomena and in many cases supported the information gathered during the interviews. Some documents were received from the interviewees, delivered to the researcher or referred the researcher to where they could be located. Usually, during or after the interview, the interviewees noted the existence of a specific document that might be relevant to the issues raised during the conversation.

The research sought to explore the currently available knowledge and achieve wisdom of what needs to be done to create a more ethical moral international society and develop insights that will form an important component in creating a government's strategy in cultural diplomacy. Therefore, a case study approach was chosen. A case study approach uses the data which was collected in the field, and then been analyzed by the researcher. The researcher tries to understand the actions of the subjects, and to search and identify patterns for a deep understanding of a phenomenon (Yosifon 2016). For the sake of reaching insights for the research, a case may contain multiple small cases and their fusion. A number of smaller cases, such as Germany's, The Netherlands', Austria's and Israel's policy for Nazi looted art provenance research, were used. Examining these cases, allowed for a broader insight. From the analysis of the data, it is possible to understand some of the considerations needed and to identify patterns in policymaking. Due to the similarities with these states characteristics, the data can also draw conclusions about the situation in other European countries policy regarding provenance research of Nazi looted art. Merger of these cases and cross referencing it, insights can be achieve (Yin 2012). A grounded theory model was selected, simce this method does not attempt to present a theory and prove it, but the theory emerges from the research itself. Grounded theory is a structured and systematic scientific method (Strauss & Corbin 2015). Therefore, once instructions are followed, scientific research can be constructed, the main issue is how the researcher interprets the research' findings.

The use of grounded theory for the purpose of this research allowed for a systematic collection of various types of information that describes an international phenomenon from different points of view. The process of gathering and categorising the information has created the possibility for the research discoveries and conclusions, with regard to the different procedures that have taken place in handling Jewish-owned looted art of Nazi era, and the recommendations of the participants for a suitable working model for European (Israel included) countries. The data analysis method used in this research is called 'coding', it was taken from the grounded theory approach and also called 'categorisation' (Shkedi, 2012). Strauss and Corbin (2015) suggest that coding describes a series of operations during which data are broken down, conceptualised, and assembled in new ways, and is a central process in which theories are built from the data. Coding allows researchers to reconstruct and control the research data, since it is an organised process.

The data analysis process is conducted in three stages, but at the end, there is a narrative, a storyline on which the research is based. The three stages are open coding - Each interview was analysed separately, meaningful excerpts extracted from it, and initial categories were created, based on the excerpts of each of the interviews, axial coding - at this stage the focus is on the process of creating the linkage between the different categories. The concepts are reorganised into categories and subcategories. The goal is to name the categories faithfully and empirically, in order for it to represent what has been said. Last stage is the selective coding - once the categories were formulated, the connections were revaluated in order to make sure the storyline is consistent with the obtained data. It also emphasised the relevant information for the research.

This research is based on informants’ stories and each one have a unique value, they are a genuine source of information. Interviewees consider their participation as an opportunity to present their stories and point of view and share their interpretation of events. These facts lead to great openness during the interviews and even afterward. Anonymity of the participants was an essential part of this research, and it was decided in advance. Keeping participants’ privacy allowed them the ability to tell their story and express their opinions freely. All information obtained for the research is kept confidential and published after the removal of all elements that might place the participants at risk. Nevertheless, the confidentiality of the data concerns only the details that may result in the identification of the research participants and does not in any way impair the data itself and the way it is presented to the reader.

The data gathered in the field and combines existing theoretical tools, in order to provide a new conceptual framework, policy recommendations of cultural policy for Nazi looted art and Nazi looted art of Jewish ownership suitable for European states. For the purpose of this paper, only two categories will be presented and discussed in this paper as follows.

This follwing section presents the findings, which emerged during the semi-structured interviews the documents analysis and the focus group interview. The content analysis yielded themes, each containing categories. This section will offer a discussion of the two main gridlocks which emerged from the research question and the conclusions emerging from this part of the study.

4. CULTURAL POLICY RECOMMENDATION FOR HANDLING NAZI LOOTED ART

Nazi-looted art consists of artworks, including paintings, prints and sculptures, as well as other cultural property plundered from Jews by the Nazis, their allies and collaborators. It includes Judaica, meaning not only the ritual objects but also libraries and archival materials relating to Judaism and to Jewish organizations and Jewish life generally (Fisher and Weinberger 2014).
As said, the Nazis looted huge quantities of "Fine art" defined by (Clowney 2011) as visual art, art that have been created, primarily for aesthetic and intellectual purposes and is judged for its beauty and meaningfulness; it includes specifically, painting, sculpture, drawing, watercolor, graphics, and architecture.

For the sake of this paper and to emphasis the different conflicts presides over Nazi looted art, it is important to explain the power that art possesses. Art has the power to inspire people, to excite them by ways of raising different emotions, such as anger or sadness, shock and even change ones' point of view. Art has the ability to be free of social bondage, to evolve in many unexpected ways. It does not have a set of cultural rules. Therefore, it brings hope for the oppressed and to new ideology (Edgar and Sedgwick 2008). Art often threatened rulers and governments due to its influence over society (Eberle 2007) and Hitler Nazi regime was no different. (Director 2005) described an exhibition held in Munich by the Nazi regime on 1937 called "Degenerate Art". 20th century modern art pieces were part of the exhibition, which according the Nazi regime these art pieces represented what was to their eye perverse, degenerate, corrupt and incompetent.

According to (Nemeth 2016), Art translate cultural ideals by touching our senses. Art has a range of psychological effects as well as emotional appeal. Art objects allows for a transnational appreciation of culture. These feelings motivate the protection of monuments and cause for fine art and antiquities acquisitions. These strong feelings motivate private owners as well as great institutions not to let it go or give it up without a fight. Art also serves as a commodity, it is a raw material that can be bought or sold, it changes hands and owners through time. Various Institutions own art as well as private owners. Art has an operational market all over the world. (Lehavi 2019) identifies globalization with the increasing growth in the cross-border movement of goods (tangible or intangible ones). It is an economic phenomenon of the global markets for trade, investment, or required services, driven by individuals, institutions and corporations, with both the demand and supply.

Art is valuable, it has an extensive monetary value. (Brodie and Mackenzie 2014) claimed cultural objects have monetary value, which derives from their cultural worth, a painting for instance is an obvious example for it. The price for art piece reflects the artistic merit: it is assessed by subjective consensus in terms of originality, use of colors, content, style etc., as well as the scarcity of the painting, meaning paintings' cultural value. Therefore, governments, hold an important role in the art global market, they can facilitate or hinder the art market, by public-policy and regulating capacities. Governments either can collaborate with the international level inorder to set common rules for the global economy, or can decide not to.

The term liberalization can be use to describe a state willingness to open up a centrally operated or highly regulated domestic market, as well as to enable other international actors to invest, own, and control assets in its territory (Lehavi 2019). Furthermore, by art being valuable, emotionally and economically, it adds to the list of consideration of government decision-making process. As for social considerations, (Masurovsky 2020) goes back to basics, and tries to define art without paying attention to legal terms of other constructions, claiming art is an extension of humans. The artist creates an object which is a projection of his/hers most inner part of themselves. Through this creation, in any given media, the artist give life to memories, of sensory inputs, smells, feelings, using the tools to assist him/her in shaping that chaos into something expressive. Whether it is beautiful or not – that is up to the beholder to decide. The artist feelings, which poured into the art, being shared with the viewers. (Maravers 1998) claims that great art allows us to have the most valuable life experience. This experience touches simultaneously many aspects of our mental life. It fills our senses and at the same time makes demands on our intelligence, sympathies and our emotions. (Masurovsky 2020) claims that art that is stolen from any community or from an individual, it is a trauma, a violation, a loss that can feel irreparable. This feeling of loss, due to theft is similar to all groups that by looting an object the artist himself and the creative force behind the object is erased. The object gets the attention now over its creator and owner. Once culture is a fundamental right, a force removal of art from their rightful owners is a cultural crime. When it is being done on a mass scale and according to a state cultural agenda, it should be regarded as a crime against humanity.

Cultural trade grew over the years, allowing Nazi looted art to circulate for decades. The 2008 financial crisis brought new players to the art market. Investors chose to invest in art as a means of investments, creating a diverse investments' portfolios, or as a loan guarantee (Kedar 2021). As the trade grew so did illegal trafficking of stolen art items. (Masurovsky 2020) compares the loss of Jewish collection during WWII and Nazi era to the ongoing recycling of looted cultural property for other conflict zones from indigenous groups. The international community sees these crimes as separate, but these are illicit acts, which were committed against the right for people to own their culture, hence treatment should be the same. Globalization has its impact as well over culture; open borders, the movement of service providers, labor migration, technology and social media influence culture and art. Yet, Culture policy has the ability to unify society, to allow individuals a sense of belonging, to share values and be part of a community. Society, which reaches out to those who lost their cultural belongings, reaches out for reconstructing its own culture and to its cultural heritage.

4.1 MAINTAINING CULTURAL HERITAGE – MAINTAINING HUMANITY

It is of a great importance for humanity, to protect cultural heritage objects. WWII cultural plunder destroyed concurred states cultural heritage. Developments in culture heritage show collective history, social changes which being reflected within cultural heritage objects. Selected pieces of culture objects are significant to people and cultural groups since it inspires pride and identity (Amineddoleh 2013). In order to live by the working axiom that every object has an owner, provenance research has to be conducted (Masurovsky 2020). Provenance is the place of origin or earliest known history of something. A record of ownership of a work of art or an antique, used as a guide to authenticity or quality (Oxford Dictionary).

Provenance is used to understand the history of art, it is in fact piecing together artworks stories, retracing movements by reattaching all the pieces of the puzzle. Provenance research sheds light on how collections came to be, it is a valuable information about the artists, collections, art dealers, curators and other important historical figures. Museum curators use provenance research in order to establish a complete story of an object from the day it left the artist's hands until it reached its current collection. Several scholars claim that public and private collections worldwide contain an unknown number of objects. It is of common knowledge that several cultural institutions holds collections that suspected of being with unknown provenance, hence no history and no understanding of who owned these objects (Steinberg 2008), (Masurovsky 2020). By creating provenance research's cultural policy of Nazi looted art and Nazi looted art of Jewish ownership, European countries will reconstruct cultural heritage which was once lost due to Nazi plunder.

Public and private collections worldwide contain an unknown number of objects, for which there is no provenance, no history, therefore no understanding of who owned these objects. Museums failed to ask specific questions about their purchased items, donations and gifts. Curators now have the ability to look for works of art via the computer, searching lost art databases. The internet has allowed institutions to share collections information as well as provenance information. The Louvre's collection's catalogue publicity on line, is one example. By demanding due diligence and transparency of an object's ownership lineage (provenance research), governments can lead to a cleaner art market and prevent illicit activity.

Reaching transparency and creating due diligence consist of researching for provenance of Nazi looted art and revealing the story behind the art object. The goal is to find and locate the object's owner and eventually, face institutions' greatest fear and practice restitution or achieve some agreeable compensation. (Neuer and Hance), called for the development of a standard of due diligence. The growth of the art market into financial power and the past decades of restitution cases, suggests that due diligence is of high priority. (Neuer and Hance) suggested to impose the obligation to inquire about an item provenance, upon the original owners as well as upon the acquirer. To consult art loss database as a necessary practice in purchasing art. That way one can justify due diligence in securing the legality of an art item. (Panella 2015) suggests to create an "aesthetic truth", while writing about archaeological objects provenance.

Research findings show strategy of transparency in circulation will ensure the traceability of the un-provenance object. It will produce knowledge and will build confidant policies for museums. Digital databases have the ability to play the key role in provenance research and its need of due diligence. Still the research showed there are not enough qulified researchers in the field of Nazi looted art.

The content analysis conducted with regard to the data collected through the semi-structured interviews with past and present government officials as well as high-level officials and document analysis. The content analysis yielded three themes, each containing three categories.

4.2 TRAINING PROFESSIONAL RESEARCHERS

Two main difficulties rose during the doctoral research, even if a country wishes to engage in provenance research of Nazi looted art, there are not enough capable researchers. Furthermore, it seems the public does not aware or educated about the topic.

In December 2020 the Dutch government published a report prepared by the Committee for the Evaluation of the Restitution Policy for Cultural Heritage Objects from the Second World War. The report published under the name "Striving for Justice" and it shares an important view over the Dutch process of handling Nazi era looted art. The committee stated at that report, the importance of researching for provenance, claiming that the first two pillars of a restitution policy are creating of an inventory of looted art and being able to identify possible heirs to the items. As mentioned above the Musee du Louvre new digital database, published to the public a catalogue of almost all of its collection online along with various details and photos to assist various researchers, simple art lovers, historians, museum personal and others of interests to be able to search for an object's provenance (Noce 2021). These tasks can only be achieved by professional and capable researchers. The literature shows, that there are not enough knowledgeable nor trained researchers to assist in researching Nazi looted art (Lupfer and Obenaus 2019).

Jewish cultural plunder of the Nazi regime was an insignificant dimension in holocaust studies, claiming that WWII art's plunder was not a known part of history and did not appear in the Holocaust narrative (Beker 1999). Furthermore, the topic was neglected, and did not appear as part of WWII history studies, was not part of the public education. (Masurovsky 2020) states that cultural crimes, might be resolved in an ethical manner but the academic institutions need to include the notions of cultural crimes and ethics ideas into the current and future studies. When one wish to address cultural crimes against Jewish communities of Europe during the NS regime there is no curricular standard to be found. Without raising awareness as well as not teaching about the Jews cultural losses, a crucial aspect of history and the Nazis war against the Jewish people is being denied.

Provenance research of Nazi looted art is a historical quest of a country, to learn about the art objects historical story. By searching for provenance a country can practice remembrance, educate the public of the Holocaust by using a different view. Moreover, the country cultural heritage will be revealed.

Content analysis identified lack of training as one of the main problems in the field. Lack of expertise in the field leads to not enough provenance researchers to work of Art collections. Museum curators not always know to what they should pay attention, what artifacts can raise questions or raise suspicion and interviewees mentioned that there are no faculties which teach it in various universities, not as part of art studies or history studies: 'you need to learn about so many aspects in art and of the history of the war, of the different routes of the looting accrued.

Each country and its own collections, art dealers and curators'. Another participant stated that 'I read a lot and I study all the time and I was sure I am familiar with my field as a curator. I meet a lot of curators suddenly I realized that they know much more than I do about the holocaust and stolen art. I thought, well I need to study the topic and quickly to show I know something about it as well'. Furthermore, another said 'It cannot be that it is not part of art studies, students can learn and investigate during their academic years, it has to be part of the topics they learn, its mandatory for training new researchers'. Participants were very adamant and claimed: 'progress will be achieved once there is commitment to teach it as a subject, to push and support those who research it', 'we need training, it's the first thing we need.' Participants stated that it has to be part of education process 'provenance research is very important part of educational work, for Shoa remembrance, the story of the collections can make important contribution of the culture and of education… we are talking about art history that should be told and be educated'. By researching collections, the story, of what people lost during the war, can be told, 'it has to be part of Holocaust education for people to remember'. Participants believed that 'using the knowledge gained from the research in order to remember the families and educate the people'.

Out of all the findings, the integrative findings show training and education issues are relevant for the topic of provenance research of Nazi looted art, suggesting that, Provenance research of Jewish owned Nazi looted art assists in telling the story of the Holocaust, educates the public and maintain remembrance. Furthermore, the procedure lacks capable researchers and therefore, training programs designated for provenance research are very important for achieving professional and competent researchers.

The finding can be explained by the fact that cultural assets are valuable to society since it tells a society's story and people tales. These endless stories are pieces of people that, when combined, create one big image of society. History shows the Nazis lead an open policy of persecuting Jewish people and eliminating their culture and cultural heritage. Moreover, the Nazis lead cultural plunder all over Europe occupied territories. At the end of WWII huge quantities of looted art and cultural goods were found by allied forces (Steinberg 2008). The literature shows that governments placed the burden of initiating and proving restitution claims on holocaust victims and their heirs (Steinberg 2009). To produce a proof is to research the piece's provenance, meaning institutions did not look into their collections which were brought to them or bought during or after WWII, did not research their collections' provenance.

The findings show that institution, which practice provenance research, not only do they know and learn about their collections, but can use the information they gain by the research to tell the story of a cultural society – people tales. By doing so the public is educated of the cultural plunder, occurred during WWII, as well as the Holocaust, that way one creates remembrance. The literature tells us and the findings confirm, that the academic institutions do not include the notions of cultural crimes and ethics ideas into the current and future studies. When one wish to address cultural crimes against Jewish communities of Europe during the NS regime, there is no curricular standard to be found. Without raising awareness as well as not teaching about the Jews cultural losses, a crucial aspect of history and the Nazis war against the Jewish people is being denied (Masurovsky 2020). The literature confirms that provenance research of Nazi looted art is by its essence a historical quest to learn and remember the Holocaust. The findings confirm, that provenance is part of a restitution policy, it starts by creating an inventory of looted art and being able to identify possible heirs. These two tasks can only be achieved by professional and capable researchers. The literature does not expend of lack of knowledge and the research findings paint a broader picture stating, that lack of knowledge to research Nazi looted art's provenance to or lack of trained researchers is indeed an issue to be dealt with as part of long-term solution.

In summery – European states cultural policy handling Jewish owned Nazi looted art needs to be associated with locating professionals and capable researchers. These will be able to create an inventory of looted art, find the lost stories and even identify heirs. By doing so stories will be told of the plunder, awareness to the Jewish cultural losses will be raised, and remembrance will be achieved.

5. PREVENTING CULTURAL INSTITUTIONS' CONFLICT OF INTERESTS

The doctoral research revealed another difficulty in the search for provenance. Cultural institutions were and still are key players of the art market. The literature describes that museums noticed for some time, that their collection might contain artworks, which were unwillingly taken from their prior owners during WWII and via the Nazi regime (Masurovsky 2020). Museums chose to ignore the problem, due to art being a commodity, which generates revenue for the institutions as well as for the country. Tourists visit museums, they will show up to see the art. Furthermore, art can be branded and it constructs education (Amineddoleh 2013). (Nemeth 2016), looks at art as a powerful political economical tool. Accordingly, tourism and art market are an economical source of revenue for states. Nemeth claims museums have the potential to draw tourists, therefore, to ensure a country economy. Hence, a state has a reason to aggressively pursue repatriation of cultural property as well as to fight against claims for restitution.

The art market thrives when museums purchasing illicit objects, it also motivates people to steal and even to destroy art objects. The fate of illicit art objects rarely been discussed since the object's value and importance is a higher priority and no one wishes to disturb or affect the object availability and value. Instead, cultural art becomes more attractive. The main reason an institution disregards the illicit origin or lack an object’s provenance, is the institution or an individual aspiration to protect the art, safeguard it from the possibility of destruction, claiming it to be the public interest (Masurovsky 2020). Public interest's argument was used on June 30, 1939 at the Theodor Fisher Gallery in Lucerne, Switzerland. American buyers arrived to the gallery to purchase “degenerated art”. Works of art, which were de-accessioned from German public collections and were put for sale on the art market (Nicholas 1995). Buyers came to "save" the art. (Cuno 2011) mentions the same argument in a paraphrase to “source nations” - museums leaders and the art world suggest that “source nations” are in capable of caring for their cultural heritage, basically claiming that they are the protectors and caregivers of the cultural objects, that is why the items are found in their collections. The same claim has been heard in various courts rooms and committees, while considering an application for art restitution. As the Dutch Committee report, “Striving for Justice” mentioned as well.

The reserch findings, confirm that cultural institutions, museums, do not want to see their collection leave their walls, they will not willingly restitute art to its owners. However, institutions do want to protect their reputation as legitimate owners of collections and not to be identified with harboring Nazi looted art, as the latest newspaper article, dated December 12, 2021 show. A controversy over Emil G. Buhrle, collections' ownership rose, while in loane to the Kunsthaus museum in Zurich as part of the museums new extension. The situation was describes as as an insult to the Nazi victims and the museum decided that the foundation will disclose the paintings provenance. Public awareness can change museums attitude when their reputation is at stake.

Content analysis indicates there is conflict of interests due to the will of the museums to keep it collections in side museums walls, but at the same time have to wish for justice, to have their collections clean, to show good faith –and not to harm their reputation: ‘there is the conflict of interest, the curators who research the collection answers to the museums and they don’t want to give something up’ said one of the participants, and another stated: ‘there is no doubt that there is a conflict of interests’. Another claimed ‘museums’ main interest to keep the art, not to allow it to leave, therefore there is a big chance that museum personnel will not priorities correctly which of the art objects will be the first to be researched, they might go for those which are less likely to produce heirs'.

Participants described museums' conflict of interests by stating: 'museums fall in love with their art objects, the same as people, its only human not to want to let it go, but they need to think how much it puts them in jeopardy, or creates problems. The world of museums is a conservative one, their aim is to conserve and preserve collection which they bought or received during time, sometimes not in a legitimate way'. Another stated: 'it's difficult for museums, to lose art, when it is their cultural need to keep it', and 'it is not easy for museums or other institutions to lose their art, they are conservative institutions, that is their job'. Furthermore, the will to attract visitors is also the reason why museums image is so important: 'the conversation today, especially in western European states is rather defensive, since no one wants its museums to be empty of art, not the Louvre or in London, but on the other hand the debate is there to find the right guidelines to see to the collections, it's a matter of museums reputation' claimed one participant while another said 'museums need their visitors, they wish to maintain their reputation'.

Document analysis also shows museums' conflicts of interest. For example: in a speech of museums and art department director, at the Ministry of Culture and Sport of the state of Israel speech in 2014 it was stated that: 'we can allegedly see the conflict of interests and the different opinions about provenance research and restitution of cultural treasures: Museums' goal is to be owners of important collections and to own as many as possible, their duty is to keep their collection safe and to present it to the public. To use it to create beautiful and impressive exhibitions. The museums share our own wish, the people who are proud of their culture, to see these cultural objects left for the benefit of the public - it is the public interest".

Historical facts show many artworks disappeared during and after WWII, and entered some new owners' collections, passed from one seller to another, purchased or donated to museums all over the world, without warning of the history of these new acquisitions (Masurovsky 2020), (Steinberg 2008), (Nicholas. 1995). Furthermore, the literature shows that museums failed to ask specific questions about their purchased items, donations and gifts. Furthermore, museums chose to turn blind eye and over-looked the lack of information while receiving art works from donors or even purchased them by taking a chance it will come back to haunt them (Steinberg 2009). As (Walton 1999) describes, the international museum community recognized the problem of illicit art trade, long before WWII. It is the museum occupation to acquire collections through the art market, private owners etc. Moreover, it is a well-known fact that museums in general are in possession of stolen art, and some have knowingly accepted art with no provenance or an incomplete one. The literature describes and is consistent with the findings, that museums and the art world sees "source nations" as incapable of caring for cultural heritage, proving the cultural institution conflict of interests - the protectors and caregivers of cultural objects versus their wish to be true to their owners as well as to promote universal awareness to these cultural artifacts by putting it on display (Mullen 2002).

The growth of the art market turning into financial power as well as past decades of restitution cases, suggests that due diligence is of high priority. Ethical codes implemented acquisition codes for the museums to follow, but museum officials failed to adhere those principles into their museum practice. Museums recognized their moral and ethical obligation to restitute looted art to Jewish owners and yet their action, to look into their collections and research it, was a very slow one (Weiss 2007). Now days, when curators have the ability to look for works of art via lost art databases, and the internet has allowed institutions to share collections information as well as provenance information the conflict of interest had increased. The literature describes the global markets as an integral part for international economic diplomacy and its negotiations states international economic negotiations are conducted within the framework of a global economy (Gray 2018). Art is part of the economic negotiations' framework, as one uses categories such as transportation goods exchange, exchange of services, government regulations and assistance. In many cases, international trade will be a result of treaties and agreements between states rather than creation of a competitive market (van Bergeijk 2009).

The research findings consist with the literature, show museums as conservative bodies, as part of the art market, but it also shows that any loss of art objects to restitution, might lead to museums losses of visitors, of researchers, to loss of museums' benefactors, and ultimately to loss of museum income which lead to it being in-capable to perform its work for the public's interest.
In summary, museums are in constant conflict of interests. Museums are conservative institutions. Their main work is to conserve received, bought, donated objects etc., objects which are part of it collection. The conclusion, once a European country wish to be part of the coming change as to handling Jewish owned Nazi looted art, it's cultural policy should be associated with the notion of museums maintaining preserving and protecting their collections for the public interest. Cultural policy should be associated with the use of information, communication technologies and to apply due diligence during which museums rebuild their reputation by becoming collections' rightful owners.

6. CONCLUSIONS

Provenance research of Nazi looted art and Nazi looted art of Jewish ownership is once again present on the international stage. The year 2021 brought a few initiatives that the international community cannot be ignored, for instance; the French initiative to change its laws in order to allow restitution, the Louvre online digital database; The international debate, which occurred over the 203 works of art displayed at the Kunsthaus Zurich - the museum of fine art loaned by the Bohrle foundation and ended by the museums and foundation agreeing to disclose their contract; several Dutch statements over restituting Nazi looted art to its rightful owners which come as a response to the recommendations of the council for culture and the Kohnstamm Committee.

These above-mentioned European initiatives are only part of a much-needed process, which the international community need to continue. This paper presented parts of a doctoral research's findings and showed some of the complexities of the topic 'provenance research of Nazi looted art of Jewish ownership process'. The paper reviewed in short, the history of the phenomena, the action taken by the international community post WWII and discussed the important of art and its great power in shaping minds of involved interest groups. The doctoral research concentrated on the behaviour patterns of focus European states with regard to provenance research of Nazi-looted art.

The research explores and maps selected state activity and attempts to reset rules, standards, and practices used by the European' focus states with regard to provenance research of Nazi-looted art. The research develops propositions regarding what needs to be done to create a more ethical, moral inter-national society and to offer an appropriate government strategy in cultural diplomacy.

The research was conducted in Israel and includes interviews with past and present ministerial level decision makers, senior civil service officials, and representatives of EU member states, as well as Jewish organisations operating in Israel and abroad. The study also includes document analyses of material from national and international archives and focus group analyses on validating the information and adding more perspectives from a different population. The main goal of the research is to develop a policy model for European countries regarding handling Jewish-owned Nazi-looted art, under the premise that each object has an owner. A model which is suitable for use in EU member states, a compatible model with the many similarities of the region's countries and peoples.

Museums work is to preserve and maintain cultural heritage, by physically keeping their collections intact and ideologically keeping cultural heritage stories alive and educating the public. Maintaining cultural heritage, educating the public for culture heritage cannot be done without professional re-searchers who will be able to create an inventory of the looted art, find the lost stories and even identify heirs. Stories of the plunder will be told and awareness to the Jewish cultural losses will be raised, once educated and trained researchers will work towards it. Remembrance will be achieved.

This paper based on the doctoral research show that a change needs to be done in cultural policies of states. A change needs to be a part of cultural institution view over provenance research, museums' view in particular, as well as part of public opinion, which will force states and institutions decision makers to change their thinking patterns and work together. Doing so will maintain and strengthen decision makers credibility and enhance the country status as part of the international art market. Transparency will not only make a state stronger, but it will become a role model in the effective implementation of various international conventions and provide for just and fair solution. Transparency will strengthen the country's art market and assist art consumers; it will raise public awareness to its history and cultural heritage. It will expand public knowledge about art and art history and of the Nazi's greatest plunder. It will deepen the public knowledge about the challenges of provenance research and the protection of society rights and will change societal norms as for looted art in general. A country, which will choose to deepen its knowledge and take part of the process will eventually build a network of researchers, experts who will support the executive oversight.

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THE IMPORTANCE OF PRACTICING PHYSICAL ACTIVITIES TO IMPROVE THE GENERAL HEALTH OF THE POPULATION

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ABSTRACT

Practicing physical exercises to improve health receives new valences lately. If until the end of the last century only some physical exercises specific to certain sports were considered effective, lately the concept of physical activities for health is gaining ground. In this situation, physical exercise, or physical activity practiced systematically, is increasingly oriented towards health, improving health and/or preventing disease.

KEYWORDS: *physical activity, fitness, health*
J.E.L Classification: I13, I18, Z20

1. INTRODUCTION

The international social context makes us think more seriously than ever about the idea of survival, and/or what we should do to secure our lives. If the pandemic generated by the SARS Cov II virus forced us to retreat to our homes, to limit our physical activity, but especially social, the military situation in Ukraine adds additional mental consumption. So we are talking about a social situation that directly influences our general health. Specialists present health as a continuous model that swings between the two extremes, defining two distinct situations: positive health associated with the ability to enjoy life and not necessarily the absence of disease, while negative health is associated with morbidity, so when we talk about the role of physical activities in health promotion we must understand, both physical health and psychological well-being (CDC 1996:21).

Until the end of the last century, various forms of physical exercise specific to certain sports disciplines were recommended for health maintenance. Even if in a common knowledge it is mentioned that a whole series of other common physical activities, such as: walking, swimming, cycling, working in the garden, etc., have beneficial effects on the health of the body, only in the last decade health specialists and the science of body activities draw attention to the importance of practicing them. They mention that it is not necessary to practice performance sports in order to have a healthy body, or even, to improve and maintain health, the individual must practice a mandatory and sufficient level of physical activity, adapted to his particularities, consisting of activities or movements specific to the daily lifestyle (Bogdan T, Lazar L 2010:172). In 1996, American specialists from the CDC (Centers for Disease Control and Prevention) presented the relationship between physical activity and health as a new perspective on physical activity, promoting the following ideas, representing conclusions of the specialized literature and extensive research:

- People who are normally inactive can improve their health and well-being by regularly practicing moderate physical activity.
- Physical activity does not necessarily have to be vigorous to have health effects;
- More beneficial effects on the body can be obtained by practicing more (duration, frequency and intensity) physical exercise.

The specialized literature (Bogdan T, Lazăr L 2009, 2010) presents the concept of "**Physical activities for health**" represents a symbiosis of two terms that up to a certain level we can say define each other. However, semantically the terms come to describe a field of interference, theoretically interdisciplinary, since basically the two terms intercondition each other. All this in the sense that we cannot have a positive state of health without practicing physical activities, or we cannot practice physical activities if we are not healthy. Until recently, the two notions: physical exercise and physical activity, were assimilated as synonymous. Thus, physical exercise, as the main means of achieving the objectives of physical education and sport, represents a "systematic and conscious repeated motor act" (Cârstea Gh.2000:12), or "motor action with instrumental value, conceived and programmed in order to achieve the objectives of physical education and sport" (Dragnea A., Bota A.1999:17).

The notion of physical activity encompasses the entire range of physical manifestation of the body, therefore maintaining a state of health can be determined not only by practicing different physical exercises in a more or less organized setting, jumping sports, but also by different physical activities carried out in daily life. Thus, **physical activity** is defined as "movement of the body due to contraction of skeletal muscles, which have the effect of consuming energy over basal metabolism" (Caspersen et. al. 1985: 126).

The relationship between physical activity and health is materialized by the value of the ratio between the energy consumption achieved (output), usually in 24 hours, and the amount of nutrients ingested (input), having direct implications on body weight control. Depending on how we operate with the balance between the two variables we can have three situations:

1. **weight loss** – the individual loses weight:
   input < *output* - (consume more than ingest)
2. **weight maintenance**
   input = *output* - (energy value of ingested food equals energy value of physical activity performed)
3. **weight gain** – the individual gains weight
   input > *output* - (more is ingested than consumed through physical activity)

2. TYPES OF PHYSICAL ACTIVITIES THAT CAN BENEFIT HEALTH

Physical activity can be classified in different ways, depending on its type, intensity, and purpose, and can have two types of determinations: mechanical and metabolic. Thus, depending on the mechanical stresses, we have isometric or static contractions (which maintain the length of the muscle fiber), and isotonic or dynamic contractions (which maintain tension within the muscle fiber). From a metabolic point of view we have two types of determinations of muscle contraction: with oxygen consumption – aerobic effort, and with oxygen duty – anaerobic effort. Whether an activity is aerobic or anaerobic depends on the intensity level at which the activity is performed.

In everyday life, most activities include both types of contractions. Which is why classifying physical activities can best be done in terms of their main purpose. Thus, following studies conducted in the USA (CDC, 1998), specialists have highlighted 4 categories of physical activities, classified according to their purpose:

1. *occupational* (work-related);
2. *domestic* (housework, garden, childcare);
3. *transport* (walking or cycling in order to get somewhere);
4. *leisure time* (time for recreation, practicing hobbies, sports, or various physical exercises).

I mention that leisure activities can be subdivided into categories such as competitive sports, recreational activities and exercises. If until recently the terms "physical activity" and "exercise" were considered synonymous, today the term "physical exercise" defines only a category of physical activities, those that are "planned, structured, repetitive and purposeful" (Caspersen, Powell, Christensen 1985).

The beneficial effects on the body are not manifested only after practicing physical education or sports, which is why the same source presents, as an example, a series of daily activities that can have beneficial effects on the body, under the conditions of practicing with an optimal intensity for each of us, depending on the level of training or the level of mastery of that skill. In this idea, in order to obtain the sanogenetic effects of these activities, the relationship between the intensity and duration of the effort performed is inversely proportional.

The literature mentions that a moderate intensity exercise corresponds to an amount of 150 calories (kcal) per day or 1000 calories per week.

3. EFFECTS OF PHYSICAL ACTIVITY

The systematic practice of physical exercises and sports by amateurs contributes to the gradual installation of the state of optimal physical shape or fitness – which according to specialists (Lupu I., 2004, 20) is known as "the 4 S model", after the English names, namely:

- **Strenght** – physical strength.
- **Stamina – vigor (**physical endurance);
- **Suppleness** – physical suppleness;
- **Skills** – physical skill.

The term "fitness" or "physical fitness" describes the body's ability to perform daily tasks vigorously, quickly, with sufficient energy, without getting tired" (Caspersen et. al. 1985:128).

Depending on the type of physical activities performed, fitness has specific characteristics. Thus, the physical condition when practicing physical activities for health is characterized by the following:

1. Acquiring cardio-respiratory or aerobic endurance, which means the body's ability to sustain intense physical activity for long periods of time.
2. Improving flexibility, coordination of movements and maintaining balance, materialized in increasing the ability of a joint to perform a complete movement.
3. Improvement of muscle strength, which refers to the maximum amount of effort endured by a muscle, at a single stress, at a single effort.
4. Increasing muscle strength, the ability of some muscle groups to perform a sustained effort over a long period of time.
5. Classification of the body composition index, in average values, according to age, height and weight.

In the same large-scale paper, elaborated by the Center for Disease Control and Prevention in 1996, specialists in the United States mention a series of **benefits that regular physical activity** has in combating or preventing risk factors for disease or even death, such as:

1. Reducing the risk of premature death.
2. Reducing the risk of dying from cardiovascular disease.
3. Reducing the risk of diabetes.
4. Reducing the risk of having hypertension.
5. Reducing the risk of contracting colon cancer.
6. It helps reduce hypertension in people with hypertension.
7. Reduces mental states of depression and anxiety.
8. Helps control body mass.
9. It helps grow and maintain healthy bones, muscles and joints.
10. It helps the elderly to move safely without the risk of falling and having fractures.
11. Promotes mental well-being.

At the same time, the lack of regular physical activity can contribute to the early onset of some diseases, especially cardiovascular, but any increase in the level of these activities will bring health benefits. The benefits of exercise, from preventing disease to increasing self-confidence, are hard to ignore and are as follows:

a. improve mood and self-image, reducing depression and anxiety;
b. fights chronic diseases, controls blood pressure, cholesterol levels by increasing HDL ("good" cholesterol) and lowering LDL ("bad" cholesterol), also helping to prevent diabetes and osteoporosis;
c. helps maintain weight control by burning calories, the effort should not be of high intensity nor require a lot of practice time (climbing stairs, walking, jogging, compensatory exercises during work breaks);
d. have a role in improving the respiratory, vascular system and optimal functioning of the heart; It provides a peaceful sleep, helping concentration, productivity and mood, being recommended to be executed during the afternoon.

Sufficient physical activity of 50 minutes walking, 30 minutes running at moderate tempo per day for 5 days a week, or 20 minutes running at a sustained pace 3 times a week, decreases the number of heart attacks, and the heart adapts more easily to variations in intensity of effort over time, it contracts better and becomes less sensitive to stressors. By practicing physical activities, blood pressure is maintained within normal limits and muscle mass develops. The benefits of physical activities are valid for all categories of people regardless of gender or age, in children and adolescents it favors harmonious development, and in adults and elderly people practicing a light sport provides a maintenance of physical and mental tone. People with various diseases, but especially those with cardiovascular problems, are not completely forbidden to practice physical activities, a well-selected activity allows a better recovery after illness, thus avoiding relapse (walking, swimming, cycling, jogging, household activities, etc.).

By practicing physical exercises and sports, especially by adults, it can lead to the reversibility of some processes and decrease the risk of disease:

a. the processes of muscle atrophy can be removed;
b. unwanted deposits and uneven distribution of adipose tissue;
c. improving the outfit;
d. increase in general vital tone;
e. lowering the risk of cardiovascular disease;
f. elimination of diseases in the skeletal system.

In general, there are no contraindications for bodily activity, if it is adapted to the possibilities of each individual and if it is carried out following a medical examination. The means of physical culture are varied depending on the general physical training and represented by different branches of sports (body building, aerobic gymnastics, jogging, swimming, cycling, skiing, tennis, etc.). The practice of most of these physical activities involves a certain material support determined by expenses for paying various subscriptions or training sessions, for purchasing the necessary equipment, traveling or staying in the natural setting specific to different branches of sports.

4.INSTEAD OF CONCLUSIONS

This paper tries to delimit the concept of "physical activities for health", and at the same time to establish its place in the context of the fight for health in today's society, but also of the specialized literature. Thus we can say:

1. Physical activities for health are a series of activities that, in addition to those commonly encountered as physical exercise or sports, also designate daily physical activities, intended for domestic activities, or for transport.

2. The main benefits of practicing this type of activities are reducing or limiting risk factors for disease or even death.
3. In order to obtain and maintain an optimal state of health, it is necessary and sufficient to practice physical activities for health at least 3 times a week, not being necessary to practice a sports activity at a high level.

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SYSTEMIC BREACHES OF EU ENVIRONMENTAL LAW AND THE MEANS FOR THE CJEU TO GET INVOLVED IN THE FIELD OF SCIENCE

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ABSTRACT

The environmental legislation has long been an area of concern in terms of implementation and proper enforcement. In this context, the Commission has focused on the systematic breaches of environmental legislation. Proving the existence of such breaches of environmental law and legislation has a number of specific features because of the scientifically based questions underlying environmental law. The purpose of this article is to relate the CJEU's established position on scientific uncertainty to the specific situation where the Commission claims that an infringement of EU environmental law is of a systemic nature. It will show that, while the CJEU has been sensitive to the systemic nature of the Commission's complaints through the use of some of the procedural tools at its disposal, its general reluctance to engage with the substantive issues at stake could have the potential to reduce the effectiveness of the infringement procedure as a tool for adequately pursuing systemic breaches of EU environmental law.

KEYWORDS: *Environmental legislation; Environmental law; Systemic breach; Infringement procedure; European Union; Scientific complexity*.
J.E.L Classification: K40, O38, P14

1. INTRODUCTION

Environmental legislation has long been an area of concern in terms of implementation and proper enforcement. Several reports by the European Commission (hereafter "the Commission") have highlighted shortcomings in the achievements of Member States in the context of environmental law. As stated in DG Environment's latest Strategic Plan 2020-2024, President von der Leyen said that "any legislation is only as good as its implementation".

When it comes to the correct application of environmental legislation, the Commission is aware that breaches of environmental law do not often occur as one-off cases but can be suggestive of failures of a systemic nature. Without defining this concept, the Commission's Strategic Plan 2020-2024 explicitly mentions the notion of "systemic breaches" and refers to systemic breaches of waste legislation, drinking water standards, and environmental impact assessment legislation as enforcement priorities for the coming years. The Commission's focus on enforcement in relation to systemic breaches of environmental law is a clear reflection of the general policy announced by Juncker Commission's as "bigger and more ambitious on the big things and smaller and more modest on the small things".

In the context of environmental law, "systemic breaches" should be understood as breaches which are part of a series of individual breaches which, taken together, because of their repeated or widespread nature, have a significant effect on the environment. The field of environmental policy is therefore an excellent example of a systemic breach: it occurs when a series of breaches are so repeated or widespread that they can be considered to be systemic in nature.

This idea of a systemic infringement was outlined by the CJEU in the so-called Irish Waste case, in which, for the first time, the CJEU recognised, in the context of infringement proceedings, that an infringement of EU environmental law within the meaning of Article 258 TFEU could consist not only of individual non-compliance with EU law, but also of "general and persistent" deficiencies, of which individual infringements "constitute only examples". Similarly, on the basis of long-standing case law, the CJEU has accepted that infringement proceedings may also be directed against an administrative practice if the latter is of a consistent and general nature.

The notions of general and persistent breaches of EU law, or general and persistent practices of breaches of EU law, are not specific to the field of environmental law; however, proving the existence of such breaches takes on a whole new dimension in environmental law because of the scientifically charged situations that underlie environmental law. Claims in environmental litigation often involve the discussion of questions of fact and causation that call for use of extra-legal concepts - what is the effect of a significant project on the environment; when is a mitigation measure appropriate to reduce certain harmful effects; when can a certain activity be considered to have caused environmental degradation? - and necessarily involves a degree of uncertainty in the parties' claims and in the ultimate determination by the courts. The constant presence of scientific questions, leading to a greater or lesser degree of uncertainty in the parties' allegations and in the courts' consistent determinations, distinguishes the field of environmental law from other EU policies, such as migration law. As will be explained below, these issues become all the more complex in cases of systemic infringements.

One reason for this is that issues of evidence and causality take on a different dimension when they relate neither to a single case of environmental breach nor to several cases, but to the need to establish an identifiable pattern of non-compliance.

The way scientific issues are dealt with before the European courts has recently been the subject of academic attention, particularly in the light of what has been perceived, at least in the context of actions for annulment, as a move by the CJEU towards a somewhat more "intrusive" approach to the Commission's scientific options than the traditional, process-oriented, hands-off approach that the Court has upheld in long-standing case law. However, to date, the literature has focused on a general - namely, unrelated to the systemic nature of an infringement - aspect.

The purpose of this article is to take this discussion forward and relate the established CJEU approach to scientific uncertainty to the specific situation where the applicant - generally the Commission - holds that an infringement of EU environmental law is of a systemic nature.
Systemic environmental breaches have only been brought to the Court's attention by the Commission under Articles 258 and 260 TFEU. While worth pointing out, this finding is not new: EU environmental law is overwhelmingly implemented at national level, which drastically reduces the importance of annulment proceedings under Article 263 TFEU. In addition, actions at national level - through which a preliminary question under Article 267 TFEU could be referred to the CJEU - may not be procedurally geared towards identifying systemic breaches.

2. THE CJEU AND THE SCIENTIFIC UNCERTAINTY

In the context of a survey of how international courts and judges deal with scientific claims, the doctrine has identified four main techniques of judicial engagement: (i) framework; (ii) fact-finding; (iii) factual assessment; and (iv) shaping the standard of review. These, in turn, are related to the notion that courts (i) frame the issues in such a way as to include or exclude the need to rule on scientific arguments; (ii) do or do not use available procedural techniques to involve experts in the adjudicative process; (iii) do or do not engage in inquiries into causation in their decision-making process; and (iv) manifest a more or less lenient attitude toward the decision-maker when ruling on discretionary choices made by the administration.

It is also argued that an overly cautious approach to scientific claims can end up eroding the very legitimacy of the institutions of judgement. This argument is consistent with those at EU level, where, in a context where the democratic and political accountability of EU decision-makers is contested, legal accountability could be considered an appropriate substitute, including for regulatory choices with a scientific background. Furthermore, in terms of Member State actions, which is the focus of this contribution, given the dataset identified above, legal commitment to scientific claims can be seen as the appropriate place to censure national breaches of EU law, particularly in light of the Commission's limited powers and resources to construct claims backed by sound science. From this perspective, judicial engagement with science in infringement proceedings could be seen as a way for the CJEU to 'step in' and enhance its own legitimacy trump cards vis-à-vis a European Commission necessarily limited in its function as guardian of the Treaties.

The analytical framework identified in Sulyok's paper and the four judicial techniques mentioned above, in various forms, have also been identified in CJEU case law. In particular, previous research has argued that EU courts deal with scientific uncertainty in essentially three ways: (i) allocating the burden of proof and the threshold from which a fact is deemed proven; (ii) using the investigative tools at their disposal; and (iii) engaging in more or less in-depth procedural or substantive review of the scientific choices made by the authority.

These general considerations take on a somewhat different dimension in the case of systemic breaches. Particularly in relation to issues of evidence and causality, proving that a single instance of non-compliance has occurred is a much lower burden than proving (a) a series of instances of non-compliance and (b) that this chain is part of a coherent and generalised pattern. Accordingly, what is required of the Commission by the CJEU and when the CJEU will consider that one or more instances of non-compliance and a pattern thereof are proven, as well as how much and how often the CJEU will defer to the Commission as to the plausibility or likelihood of particular causalities will inevitably influence the success of a systemic application brought by the Commission and, ultimately, the Commission's very willingness to pursue systemic breaches of EU environmental law.

3. THE CJEU'S COMMITMENT ON SCIENTIFIC CLAIMS IN SITUATIONS OF SYSTEMIC BREACHES OF EU ENVIRONMENTAL LAW

3.1. ALLOCATION OF THE BURDEN OF PROOF

The case law has established that the burden of proving that certain conduct infringes the Treaties lies with the Commission. As the Court has consistently held, in infringement proceedings, the burden is on the Commission to prove the alleged infringement and to provide the Court with the information necessary for it to verify the existence of the infringement. For this purpose, the Commission cannot rely on any "presumption or schematic causation".

However, if the CJEU finds that the Commission has presented "sufficient evidence" and that an infringement of EU law has occurred, the Member State must refute the Commission's allegations by demonstrating that it has complied with its obligations under EU law or by contesting the veracity of the information presented or the conclusions drawn by the Commission from that information. The difficult question is therefore when the evidence will be considered "sufficient". Sometimes it is the law itself that will determine the probative value of certain facts, thus allowing the CJEU to get out of the conundrum of having to assess the reliability of certain scientific evidence. For example, in Commission v. France, the Commission argued that France had consistently breached EU air quality legislation. France's defence was based, inter alia, on the claim that the samples on which the Commission relied to measure air quality could not be considered representative. Without needing to enter into the scientific question of the representativeness of these samples, the CJEU could simply observe that the samples fully complied with the requirements derived from the applicable legislation and therefore had to be considered conclusive of France's failure to comply with its obligations under EU law.

Beyond these situations, and in the absence of a specific legislative determination on the burden and standard of proof, the fact that the Commission is satisfied that "sufficient" evidence is provided means that the CJEU is willing to accept evidence of an infringement that is not entirely conclusive and expect the Member State concerned to demonstrate compliance. Thus, this legal standard appears to be based on "a balance of probabilities test". This seems to place the Commission at a certain "competitive advantage" over the Member State, particularly when it comes to proving the existence of a systemic infringement, which will usually not relate to a problem of non-implementation or incorrect implementation, but to a problem of practical application of EU law. Indeed, while proving a lack of or incorrect implementation is something that the Commission does relatively easily through information submitted by Member States on the implementation measures adopted, when it comes to proving a lack of correct application of EU law, the Commission is in a much more sensitive position. This is because the Commission has to rely mostly on local sources of information in these cases. Thus, the "help" given by the CJEU in allocating the burden of proof and its willingness to accept even fragmentary evidence could have a decisive influence on the success of a legal action for a systemic breach of EU environmental law. In addition, it should not be forgotten that although the burden of proof is on the Commission to prove its case, Member States have a general legal obligation - arising from Article 4(3) of the Treaty on European Union - to cooperate with investigations and proceedings under Article 258 TFEU.

Despite this configuration, which would indicate a somewhat facilitated role for the Commission vis-à-vis the defendant Member State, the case law shows that the Court is not easily persuaded by the Commission when the evidence presented is not considered sufficiently convincing - in particular because of the systemic nature of the infringement.

For example, in Commission v Ireland, the Commission sought a declaration that Ireland had failed to comply systematically with its obligations under EU waste water disposal rules. The Court indicated that although the Commission had reached the required level of evidence of non-compliance by Ireland in relation to one or more cases, it had nevertheless failed to prove the existence of a consistent and widespread administrative practice because the cases of non-compliance were not sufficiently geographically widespread to prove the existence of a pattern throughout the country. This demonstrates that the CJEU will expect the Commission to provide evidence of the existence of a pattern - in this case relating to the geographical spread of non-compliance - that goes beyond proving one or more individual instances of non-compliance.

Similarly, in Commission v Finland, the Court found that the Commission's application for a declaration that Finland was in breach of the Habitats Directive by allowing derogations from the ban on wolf hunting should not be accepted. In particular, the Court held that the evidence submitted by the Commission - for example, that the Finnish authorities had, on a limited number of occasions, allowed the hunting of a fixed number of wolves in a well-defined geographical area, thereby infringing EU law - in conjunction with the evidence submitted by Finland - namely that the total number of wolves present on Finnish territory had increased - was not sufficient to establish an unlawful administrative practice. In this case, the Commission's inability to prove a pattern of non-compliance is linked to a numerical criterion of non-compliance.

The fact that the CJEU imposes a relatively high burden on the Commission when it comes to proving the systemic nature of an infringement is also very clearly exemplified by the Xylella case. In that case, the Commission sought a finding of persistent and general failure by Italy to comply with its obligations under EU law by failing to remove plants infected with a harmful bacterium and to monitor and prevent its spread. Italy tried to defend itself by arguing that the spread was not solely attributable to it, as it had been considered a natural phenomenon, which can only be controlled or slowed down. The CJEU found that the Commission had not presented any specific evidence that the spread was solely attributable to Italy, which was necessary for the CJEU to be satisfied that there had been an infringement of EU law. Instead, the alleged infringement was essentially based on a presumption, which did not rise to the required standard of proof. In this case, therefore, the lack of a pattern was determined by the absence of a clear causal link between the Member State's actions and the environmental damage.

3.2. USE OF AVAILABLE INVESTIGATION TOOLS

There are no specific rules on the type and nature of evidence that can be presented to the Court. All types of evidence are, in principle, admissible, with the exception of improperly obtained evidence or internal documents of Member States or EU institutions disclosed without authorisation.

In addition, the European Courts have at their disposal a comprehensive set of investigative tools which, however, are very little used in general and, in fact, are never used in particular in infringement proceedings. This means that the onus is on the Commission to prove an allegation of non-compliance by presenting to the Court all the information necessary to enable it to establish that the obligation has not been fulfilled.

However, the Commission's own investigative resources are minimal and its investigative powers are limited. Except in very specific situations, the Commission has no general powers of inspection, either through EU officials or through a mandate to the competent national authorities. Consequently, the data on which the Commission bases its allegations in infringement proceedings are provided either by Member States or by individual complainants, including non-governmental organisations. For example, in Commission v. Italy, the Commission relied on "various complaints, parliamentary questions and press articles, as well as the publication ... of a report by the Corpo forestale dello Stato (National Forestry Authority)". The Commission also relied on information submitted by the Member State - namely the waste management plan for the region of Sicily - to construct the "systemic part" of the complaint against Italy.

As has been argued, the balance of power between the prosecution and the defence in terms of "gathering factual evidence lies strongly in favour of the accused Member State," and in cases involving scientific uncertainty, the question has arisen as to whether and how the Commission - and, in turn, the Court - verifies the scientific information underlying a complaint. While there is no conclusive answer to this question, it can certainly be argued that the lack of use of the available procedural tools by the CJEU is linked to its restrained approach vis-à-vis engagement with the scientific substance of the complaint and a greater focus on procedural and generally legal obligations that are not supported by scientific considerations.

3.3. THE EXTENT OF CASE-ORIENTED REVIEW

In Article 258 proceedings, the Commission has a margin of discretion at each stage of the procedure and in relation to the time limits set for respondent Member States to reply to letters of formal notice and reasoned opinions. However, according to settled case-law, the time-limits must be sufficiently long for the Member States to comply and for its rights of defence to be protected. This raises the question of whether an allegation of systemic infringement requires a longer time limit, as it could take longer for a Member State to collect and process all the evidence to refute the Commission's allegations - which will inevitably relate to more instances of non-compliance - or to remedy - again, inevitably, more instances of non-compliance. There appears to be no evidence in the case law that, in cases of systemic breaches of EU environmental law, Member States have complained about the Commission's overly short deadlines.

This demonstrates that, when it comes to breaches of environmental law, the systemic nature of the breach is not in itself related to the time taken to fix it or to collect evidence of its status on the ground.

However, Member States have complained in the past that the excessive length of the pre-litigation procedure has made it difficult for them to rebut the Commission's arguments and has therefore infringed their rights of defence. Member States have to provide evidence to this effect. In an action for failure to fulfil obligations for an alleged infringement of air quality legislation, Romania tried to argue that such an excessive length of the pre-litigation procedure would contribute to proving that the alleged infringement was not persistent and continuous. The CJEU did not accept this argument and did not make the link between the length of the pre-litigation procedure and the systemic nature of the infringement, maintaining the argument strictly related to a possible limitation of the Member State's rights of defence.

This demonstrates that, when it comes to breaches of environmental law, the systemic nature of the breach is not in itself related to the time taken to fix it or to collect evidence of its status on the ground.

Although the Commission has a margin of discretion in going through the various stages of the procedure, the stages themselves must be respected and are subject to certain procedural safeguards which the Court has traditionally strictly controlled. In particular, the Court has consistently held that the subject-matter of judicial proceedings must correspond to that defined at the administrative stage of the procedure. The Court has stressed that an application must be based on the same grounds and reasons as the reasoned opinion: if a complaint is not included in the reasoned opinion, it is inadmissible at the stage of the judicial proceedings. In addition, the reasoned opinion must set out the complaints in a coherent and precise manner so that the court can accurately assess the extent of the alleged infringement of EU law. In this respect, the extent of the Court's process-oriented scrutiny of the Commission's actions has traditionally been quite high. There has even been an increased rigour in the Court's approach in case law. For example, the Court has censured the Commission for failing to specify the years for which the relevant breach of EU obligations was alleged.

This could be seen as being in contradiction with the Commission's possibilities to successfully build a "systemic infringement complaint", as the complaint will usually be based on a succession of cases that will be identified over a long period of time. However, the CJEU was sensitive to the particularities of such claims, in Irish Waste case, and held that where the Commission seeks a finding of a general and persistent infringement by a Member State, the scope of the infringement procedure may extend to events which occurred after the reasoned opinion was issued, provided that they are of the same type as the events to which the opinion related and constitute the same conduct. The Court has thus confirmed that the Commission does not infringe the rights of the defence of the Member States if, in the course of the procedure, it merely provides new examples of the conduct complained of. In this context, recognising the special characteristics of a systemic infringement - and the need for the Commission to prove not only individual cases but also the existence of a pattern - the Court noted that such new evidence may be submitted "for the purpose of illustrating deficiencies of a general nature".

3.4. BACKGROUND REVIEW

Judicial self-assessment by European courts when adjudicating claims with a scientific or technical side are well documented in the literature, particularly in relation to the complex assessment made by the EU administration in the area of public health and risk regulation, as well as in the area of competition law. This is much less the case for infringement proceedings, particularly in the field of environmental law.

The case law analysed confirms this conclusion and shows that, in environmental infringement proceedings with a systemic side, the CJEU has demonstrated a very clear pattern of reluctance to enter into a substantive review of the Commission's claims and the Member States' responses. One of the ways in which the CJEU has been able to sidestep scientifically complex issues is to highlight inconsistencies or logical deficiencies in one party's submissions, and to shift the focus to a related legal obligation. In this way, the Court manages to stay within the confines of the scientific puzzle, but nevertheless peeks at the question at the heart of the dispute. This technique is certainly present in those cases where a systemic violation is alleged and serves the court to overcome the high evidentiary threshold required to prove an identifiable pattern of non-compliance.

For example, in the Xylella case, the Commission argued that there is a specific time of the year to carry out inspections to ensure that the presence of a harmful bacterium is identified and appropriate measures are taken to prevent its spread. Italy counter-argued that inspections could be carried out throughout the year. Instead of addressing the scientific question of the adequacy of the time period for inspections, the CJEU shifted the focus to a related obligation to prevent the spread of the bacteria:

> "*Even if ... assuming ... that the Xf bacteria can be detected throughout the year ... the fact remains that the annual survey ... should be completed at a sufficiently early point in the year, before the beginning of spring, to allow, in accordance with the requirements laid down in the [applicable legislation], the timely removal of the infected plants*".

This technique of change, not only as a means of avoiding involvement in scientific issues, but also as a way of building a claim of systemic breach of EU environmental law, has been used since the Irish Waste case. Having established that Ireland had generally and consistently failed to comply with the requirement under EU law that waste management operations be carried out under permit, the CJEU had to consider an additional allegation made by the Commission, namely the requirement that waste recovery or disposal be carried out without endangering human health and without using processes or methods that could harm the environment.

While the first charge was based on purely legal considerations - i.e. whether there was a permit system in place - the second would have required consideration of scientific arguments - i.e. when a waste disposal method is harmful to the environment. The Court managed to overlook the scientific aspect of the issue and shifted its attention to the legal obligation to operate waste disposal operations with a permit. In doing so, it upheld the Commission's second charge "because of the infringement" linked to the first charge.

Finally, another set of air quality cases provides examples of situations where the Court has managed to avoid discussing a relevant scientific issue by shifting the focus to a related legal issue. Several of these cases concern the obligation in Directive 2008/50 for national air quality plans to keep the exceedance periods for certain substances "as short as possible".

In Commission v. Poland, the Commission claimed that Poland had failed to establish "adequate" plans to reduce PM10 concentrations, to which Poland replied that the plans were adequate in view of the country's socio-economic situation. Rather than entering into a discussion of what constitutes an adequate air quality plan, the CJEU noted that the plans adopted by Poland set the timeframe for ending PM10 exceedances between 2020 and 2024, making it possible for Poland to end these exceedances only 10 or even 14 years after the date on which the exceedances were recorded. This in itself constituted a breach of the requirement for the Member State to ensure that the exceedance periods were as short as possible.

In Commission v Bulgaria, the defendant Member State sought to defend itself by arguing, inter alia, that several measures had been taken at national level to improve the situation and that an effective improvement had already taken place. Attempting to avoid the question of when a plan is capable of maintaining as short an exceedance as possible, the CJEU simply noted that the deadline for transposition of the relevant EU legislation was 2010, while in 2014 PM10 exceedances were still widespread and national legislation was only amended in December 2015 to speed up the process of improving ambient air quality. According to the Court:

> "*Such a situation proves in itself, without it being necessary to examine in detail the content of the plans drawn up by the Republic of Bulgaria, that, in the present case, that Member State has not implemented adequate and effective measures to keep the period of exceedances of the limit values for PM10 concentrations as short as possible.* "

In Commission v UK, the CJEU instead moved from an assessment of the extent to which the relevant air quality plan ensured that NO2 exceedances would be kept as low as possible, to the strictly legal consideration that air quality plans must contain certain information required by EU law. As the Court found the plans to be too vague and insufficiently detailed, this was sufficient to allow the Court to conclude that the UK air quality plans had breached the relevant legislation.

Finally, in Commission v. Italy, the defendant Member State sought to argue that exceedances of PM10 limits cannot be attributed solely to the Member State, because of the diversity of sources of air pollution, some of which are natural and some of which are determined by EU policies. Rather than engaging in a complex discussion of causation, the CJEU confined itself to finding that EU law provides for the possibility for a Member State to obtain recognition of certain natural sources as sources of pollution contributing to the limit values claimed being exceeded, and the conditions under which, because of the specific situation of an area or agglomeration, in particular because of certain characteristics or climatic conditions, a temporary derogation from the obligation to comply with those values may be granted. Since such derogations were not granted, the Court was able to avoid an examination of the substance of the technical question.

4. CONCLUSIONS

The Court's willingness to entertain specific applications for systemic breaches of EU environmental law has been presented in the literature as a 'new departure' for infringement proceedings, and as capable of exerting significant pressure on Member States to comply with EU environmental obligations. Indeed, in order to avoid subsequent action under Article 260(2) TFEU, a Member State may need to demonstrate that it has taken steps to ensure not only that individual instances of non-compliance are remedied, but also that such instances of non-compliance are no longer systemic, i.e. that breaches are no longer repeated or of a widespread nature. In addition, a declaration of systemic infringement could have implications for the amount of the periodic penalty payments determined by the Court in an action under Article 260(2) TFEU.

It has been argued in the literature that the Commission's focus on systemic breaches in infringement proceedings is an "almost inevitable" consequence of both the expansion of the Commission's toolkit to promote compliance by Member States and the increasing complexity of EU rules. Correctly, it is noted, some systemic environmental breaches may not be remedied by NGO complaints at the national level. This is because claims at national level will inevitably be targeted at specific cases of non-compliance and are procedurally inadequate to respond to the correction of systemic and widespread breaches.

The brief analysis above shows that the infringement procedure, currently the only instrument in the EU legal system capable of addressing systemic breaches of environmental law, leaves much to be desired when it comes to such systemic failures. To be sure, the Court has taken a relatively flexible approach to the admission of new evidence in cases involving systemic breaches, and this can be particularly beneficial in scientifically complex cases where the Commission's collection of evidence may be time-consuming, and has also been very open to the Commission's admission of different types of evidence - including extra-judicial evidence such as media reports, if corroborated by more official sources such as reports from national environmental agencies. However, this approach is intended to counterbalance a number of procedural shortcomings which could, in the long run, undermine the effectiveness of infringement proceedings as a means of pursuing systemic breaches of EU environmental law.

Firstly, while the Court is content with presenting only sufficient evidence of the alleged infringement by the defendant Member State, gathering such evidence may be a more cumbersome process when dealing with systemic infringements and scientifically complex issues, as the Xylella case demonstrates.

Secondly, and in relation to the first point, although the Court is willing to admit new and diverse evidence, it is not willing to assist the Commission in gathering evidence. Given the Commission's limited investigative powers and the fact that it relies on complaints and information submitted by Member States, this passive approach by the Court could also limit the likelihood of a possible finding of a systemic breach.

Finally, as the case law above has shown and as is the case in the context of other proceedings before the CJEU, the Court will not readily examine the merits of the application when it involves scientific considerations and will rather try to find a way to shift the focus to the legal issues it feels comfortable addressing. While the above case law shows that the Court has so far been successful in finding that Member States have infringed EU law by avoiding an assessment of the relevant scientific issues, one wonders what the Court's approach would be when there is no relevant legal obligation to which the Court could shift its attention. In turn, this could also have an influence on the types of infringement cases the Commission is willing to bring to the attention of the CJEU.

Given that the Commission is in a weaker position than the Member States in terms of gathering scientific data to support its arguments, and that the Court is unwilling to use its procedural tools to support it and, as a non-specialist, to engage in a substantive examination of scientific claims, the question arises as to whether the infringement procedure, in its current form, can be considered an appropriate tool to address systemic breaches of EU environmental law.

In the absence of a 'systemic infringement' mandate from national courts, it is surely a missed opportunity that Member States have opposed a reform of the Statute that would have the effect of moving infringement proceedings to the jurisdiction of the General Court. Indeed, one might imagine that the General Court, as a genuine court of law and fact, would have been more inclined than the Court of Justice both to use the procedural tools at its disposal and to deal more with questions of fact requiring specialist knowledge. This limited commitment to fact-finding and scientific assertions could in turn affect the very legitimacy of the Court and the authority of its judgments.

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PARADIGM SHIFT WITH THE HELP OF ARTIFICIAL INTELLIGENCE

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ABSTRACT

Any change can be beneficial or not in the economic evolution of the world, and why not, in some national economies. Through the continuous development of scientific research, a new form of presentation and utilisation of digital intelligence, known as Artificial Intelligence (AI), has been discovered, from which useful capabilities are expected to supplement human activity in a complex manner. For now, theoretically, this transformation seems to present numerous applications in a variety of technical fields and beyond.

KEYWORDS: *macro-digitalisation, artificial, advanced robotisation, intelligence without human assistance*
JEL Clasification: *A 23, B 22, C 82, D 87*

1. EVOLUTION AND PARADIGM SHIFT

Artificial intelligence was founded as an academic discipline in 1956, with hopes based on dissecting data into specific subfields, such as robotics or machine learning, and even neural networks. Specifically, Kaplan and Haenlein define AI as "the ability of a system to correctly interpret external data, learn from such data, and use what it has learned to achieve specific goals and tasks through flexible adaptation."

For example, optical character recognition is often excluded from the field of AI after becoming a routine technology. Modern machine capabilities generally classified as AI include understanding human speech, competing at the highest level in strategy games (such as Chess and Go), autonomous vehicles, intelligent routing in content distribution networks, and military simulations.

In the 21st century, AI techniques have experienced a renaissance following concurrent advances in computing power, large data accumulations, and theoretical understanding; AI techniques have become an essential part of the technology industry, helping to solve many difficult problems in computer science, software engineering, and operational research. Based on the development of global scientific research, human imagination has been advanced for the purpose of determining and using it in a complex form that demonstrates the ease of work in a multitude of fields.

Thus, by creating complex databases using cloud storage of these immense databases, technical hypotheses could potentially redefine the universal paradigm about:

- Relaunching productivity;
- Higher quality and superior healthcare;
- Precision manufacturing processes;
- Clean and safe transportation;
- Cheap and sustainable energy sources;
- Efficient control of road traffic and institutions;

- Efficient control of forestry deviations;
- Efficiency in selling and controlling products – healthy markets.

The paradigm shift with the help of the multitude of activities through "Artificial Intelligence" can eliminate many technological and human shortcomings. Artificial intelligence can and must be used for the benefit of society, not to its detriment. We will be able to use ChatGPT to create our own programs with the help of Artificial Intelligence without having specialist knowledge in programming. Human creativity will be liberalised in fields such as fashion, hospitality, literature, etc., which at first glance can create a sense of novelty and originality and expand the horizons of creativity, even in artistic composition. The problem is where human imagination will stop, even if fantasies will play a crucial role.

A field that has relaunched work productivity, "Chat," and its efficiency in environmental design is the abrupt transition from the costly technology of lighting using rare metal powders: tungsten and molybdenum, to a much simplified technology of "LEDs," which has increased not only the usage times from 100 to over 25,000 hours of operation but also used much cheaper and easier-to-achieve materials. It also reduced lighting consumption by about 10 times, resulting in increased mass production. Through policies aimed at reducing material and human consumption, automation and the use of artificial intelligence have increased productivity significantly.

Artificial intelligence means more than massive robotisation, which can bring about a total change in the business world's thinking. The efficiency of economic processes can lead to a massive reduction in technological and human errors. Previous databases are not sufficient; it is necessary to create hubs that centralise vast amounts of data to be transposed by artificial intelligence into complex apparatuses that simplify and correct human deficiencies.

New forms of artificial intelligence have emerged: Google Assistant, which seems to obtain results close to the requirements through numerous queries. Another example would be ChatGPT, which also operates on verbal queries, helping to some extent obtain necessary data. A preliminary analysis suggests that the adoption of Artificial Intelligence should be based on a sufficient database that defines and assists in providing information for a multitude of fields of use. Thus, a verdict can be given on the replacement of humans in certain key areas, whether commercial or military.

By using artificial intelligence for human benefit, not destructively, we can achieve the desired evolution even if we resort to complex industrial, military, etc., mechanisms. Starting from a hypothesis with practical applicability, we will need to stabilise at a reliable operating system without producing a total paradigm shift for the moment. If we find that we are not sufficiently prepared to radically move to viable technical solutions, financial investments should be capable of substantially increasing human work productivity. Financial capital will evolve into Intelligent Capital, towards maximal profit, which will negatively influence professional life. Some say we will witness "ultramodern slavery," but hopefully, it will not lead to technological revolts, only human ones that will need to adapt to the new conditions of a maximally computerised life.

As presented in this paradigm, AI has a strong impact on the human social system, namely in the "lack of responsibility," which should be supplemented by IT mechanisms as well as the achievement of maximum and quality robotisation. Designing sufficiently voluminous hardware will demonstrate how limited the researcher implementing this complex technology is.

Recent studies, such as the one conducted by Nvidia and MIT in 2023, indicate that artificial intelligence will bring the greatest productivity growth in history. With an estimated 50% increase in productivity (compared to only 10% growth brought by the advent of the internet), we are at a crucial moment, with significant impact both professionally and personally. Radical ideas and disruptive innovation require human creativity and cannot be generated exclusively by Artificial Intelligence.

The time is coming for massive use of creativity and innovation workshops that will clarify researchers about the real needs of human society and the veracity of using "Artificial Intelligence." According to the Chief Marketing Officer (CMO) study conducted by Duke University with Deloitte's support, artificial intelligence has become a key element in the marketing activities of organisations, marking a significant change in the current paradigm. Through this technology, besides increased sales productivity, there is also an aim to increase customer satisfaction and lower marketing costs.

The continuous evolution of technology and marketing approaches will play a crucial role in enhancing and consolidating performance in an ever-changing digital world. The implantation of chips in the human brain will avoid the need to amass data necessary for creating Artificial Intelligence and implicitly create the critical mass of data needed for designing technological tools quickly.

A warning signal inevitably leads to evolution and easier life, but perhaps not to complete satisfaction. It will create a huge leap, like exploiting the Universe, regarding the transition from human intelligence to that of machines and successfully achieving goals.

Based on high-performance software, we will be able to create:

- Virtual assistants, image analysis software, search engines, voice and facial recognition systems;
- Robots, autonomous cars, drones, etc.

2. FINAL SYNTHETIC CONCLUSIONS

Correctly interpreting external data through continuous learning of specific tasks should lead to maximising the chance of successfully achieving proposed goals. As presented, the development of operational research and complex software can lead to considerable progress in our society's activities. Gradually moving from IT philosophy to real needs will generate a turbulent movement that will stabilise through human awareness of the benefits and capabilities of artificial intelligence in easing life on Earth, especially the fear of massive unemployment.

On June 14, 2023, the European Parliament adopted its negotiating position on the AI legislative act. The Parliament's priority is to ensure that AI systems used in the EU are safe, transparent, traceable, non-discriminatory, and environmentally friendly. The Parliament also aims to establish a uniform, technology-neutral definition of AI that can be applied to future AI systems. The AI law sets different rules for different levels of risk associated with AI.

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EFFECTIVE MANAGEMENT PRACTICES IN UNIVERSITY LIBRARIES

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ABSTRACT

The text explores the principles of management and their application in library management, particularly focusing on university libraries. Management involves planning, organizing, supervising, cost calculation, and controlling activities and resources, which are applicable to libraries. Library management, as a subset of institutional management, addresses specific challenges faced by librarians and managers, emphasizing freedom of expression and good governance. It involves managing materials, equipment, and human and financial resources to achieve library objectives, and should be viewed as an integrated system managing acquisitions, cataloging, circulation, periodicals, and services.

University library management aims to create products and provide services, including digitizing materials and offering rapid information access. Key issues include defining tasks, understanding resources, setting goals, developing strategies, and evaluating results. Despite criticisms of high costs, excessive staffing, and inefficiency, these are countered by recognizing the university library's integral role and advanced resource management.

Management methods such as quality management, expense calculation, control, and marketing are essential for improvement. Libraries aim to profit by providing valuable information, though profit generation can be challenging. Emphasizing virtual presence and online promotion is crucial for efficiency and reducing physical overcrowding. Effective user orientation and accommodation services are vital, with examples like the Vancouver Community Library demonstrating excellence in user-friendly design and orientation tools.

KEYWORDS: *library management, university libraries, institutional management, resource management, good governance, information access, digital transformation, user orientation, quality management, virtual presence*
JEL Clasification: O11, O22, O32, O36

1. INTRODUCTION

Over time, a series of definitions have been issued both regarding management as a general field and regarding the management of library units.

The general definition of management shows that it means planning, organizing, supervising, calculating costs, and controlling activities and resources. Even if this notion is mainly used in the economy, it can be very easily transposed to the public sector, or other adjacent fields, such as library management.

Library management is thus part of institutional management and involves focusing on specific problems faced by librarians and the managers of these institutions alike. This discipline is primarily based on principles related to freedom of expression (more precisely, non-censorship of information sources), as well as good governance (fundraising). The management of libraries practically assumes a sum that includes the management of materials, equipment, human and financial resources to be able to achieve the objectives of a library.

In another opinion, library management should be seen as an integrated system that is the basis for the creation of an IT system, a software that manages the database of a library. Thus, this integrated system must be based on the management of acquisitions, cataloging, circulation, periodicals, as well as that of the services through which all materials are made available.

As far as the management of a university library is concerned, it means the management of the activity oriented towards a certain goal, that of creating a product or managing and offering some services. These activities take place within the management of a university library because:

- "creating the product" consists in the transposition of written materials on electronic media, the multiplication of existing materials in various ways, etc.;
- managing a service and/or making it widely available to users refers in this case to the rapid transmission of correct information by the library.

The management issues that must be known when we refer to a university library are:

- definition of tasks and knowledge of internal resources (material and human resources);
- the orientation towards a well-defined goal, and when we refer to university libraries, as I explained previously, they fulfill multiple goals that will each require such a measure in advance;
- setting strategies to achieve goals. In this sense, there is a need for long-term strategies, correct means of quantitative estimation of the various needs, as well as the evaluation of the results.

There are many criticisms that have been leveled at university libraries, including:

- costs too high for both establishment and maintenance;
- too much staff;
- poor efficiency of the services offered;
- insufficient technical equipment;
- poor service to the beneficiaries.

In our opinion, these criticisms are not justified because:

- numerous reasons have been identified during the work, from which it follows that the university library represents the university itself, being only an extension of it. Thus, the costs of a university library must be included in the costs that a university assumes when it decides to modernize or expand its own buildings. In practice, a distinction should not be made between the headquarters of a university and its library, on the contrary, we have identified numerous cases in countries such as Great Britain or the USA, in which the university library represents the symbol of university campuses, being often positioned in their center;
- in terms of maintenance costs, or too much staff, the previously mentioned must also be considered, but also the fact that among all three types of libraries subject to the case study, the university library represents the most advanced form of management of library materials and so it is obvious that this can only be done at higher costs. However, they are justified for the same reason as that of its establishment itself, since only in this way can a framework conducive to the study and creation of tomorrow's specialists be created;
- regarding the poor efficiency of the services, this criticism of university libraries can hardly be justified as long as previously the same criticism referred to "too much staff". We have established so far, giving all the necessary arguments, that the university library is the most advanced form of libraries today, and all the measures to make library work more efficient that have appeared over time first came into existence within this type of library;
- the same argument can be made in dismantling the criticisms that refer to a deficient technical endowment or a bad service to the beneficiaries.

All that is done through the management methods is that through them a permanent improvement of the activity of the university libraries takes place. These management methods are:

- quality management (quantitative and qualitative assessment methods of library services in order to satisfy the demands of its users);
- calculation of expenses (management method by protecting resources and establishing convenient prices);

- control (setting objectives, tracking and evaluating them);
- marketing (discovering users' needs, adapting the library's activity to these needs, and then advertising the library).

The goal of any manager is to make a profit, especially a long-term one. The transposition of this objective in the case of university libraries takes place as follows: libraries possess information, the information must be oriented and/or adapted to a certain clientele so that this clientele pays to have access to this information.

Of course, two other particularly important mentions must be made, namely that:

- making a profit is not always possible, since the university library represents an extension of the university itself, the library's profit must either be correlated with that of the university itself, or if the library's activity is evaluated as an independent organization, then there is the possibility for it to generate losses. That is precisely why managers of university libraries are often put in a position to limit losses.
- university libraries allocate a lot of resources to information management. The process of selecting, preserving and capitalizing on this information is the most complex among all types of libraries. Paying users for the opportunity to benefit from this information, together with the general framework in which it is offered, can often be one not only in money. For example, a university library can organize an event in a separate space at its disposal, after which it can receive from the organizers either a new book collection or other sponsorships in means and technical equipment.

"Regarding the evolution of services provided by contemporary university libraries, it is essential to remember that the design of university library services must relate to the current characteristics and directions of evolution of users, collections and means (tools)."

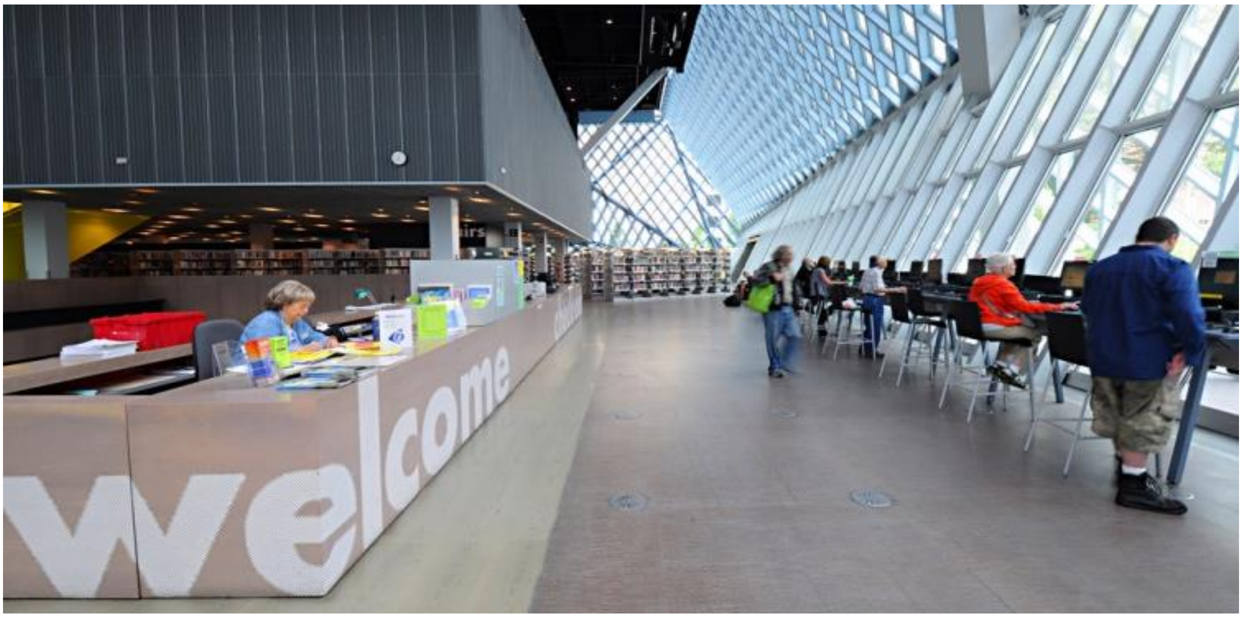
There are certain stages and forms of library relations with readers. They could be grouped as follows:

2. RECEIVING OF USERS

Access to the new public of the library is done today through more diversified methods compared to those of the past.

a) user initiation service – welcoming users to the library premises is of primary importance because the first impression made by the public is decisive for its future attitude. That is precisely why libraries that have possibilities must organize a reception service as attractive as possible, whether it is electronic means of guiding individual users or collective visits organized in a programmed way. This last method has proven to be very effective most of the time, at the beginning of each academic year, "library days" are scheduled, the occasion for the opening of book exhibitions, cultural events, etc., all organized in the university library.

b) the service of identification and registration of users in the database - activity organized by the library secretariat, which is placed most of the times near the entrance.



Reception desk in the lobby of the Seattle Library

3. USER ORIENTATION

The faster the initiation of readers is carried out, the more the library institution increases its efficiency, but immediately after this first step, the orientation of the beneficiaries must be done. That is precisely why any university library must have:

a) the orientation plan (or even the library model) – the orientation plan exposed at the entrance to the building and in each room where user access is allowed. The plan at the entrance will include the list and location of all library services, and the plans displayed in the halls will mark the arrangement of shelves, desks, electronic catalogs, etc.

b) the reader's guide – is a written document that summarizes the information given to the reader on his first visit or when he registers in the library. It must also contain all the data that the reader would like to have at a first contact with the university library.

c) the display panel – is an information tool with a permanent reception function. If the orientation plan refers to the architecture of the building and the services provided by it, the display panel can have a double function: either a plan-like orientation or a digital means of reference. Most of the time, modern display boards are digital means placed at the entrance to public rooms, so as to reduce traffic within them. For example, a new user looking for a particular bibliographic reference can contact the digital display panel with direct access to the library's electronic database, and may or may not find what they are looking for. If he does not find the reference, the performance of other activities (identification, registration in the reading room, etc.) is no longer necessary, and thus the overcrowding of spaces is avoided.

4. REFERENCE SERVICES MADE AVAILABLE TO USERS

Gathering and organizing in their collections, thus organizing a large volume of information, libraries require at least one room and/or several access areas where (newly digital) means of accessing a database are made available to users very well structured and easily accessible for reference.

More recently, all libraries choose to make public this database of info-documentary references that they have so that anyone can access the official website of this institution via the Internet, out of the obvious desire to avoid overcrowding.

Overcrowding of library buildings primarily refers to a few key places where this occurs, namely:

- at the information desks – because new users need additional information
- in the wardrobe areas - as the storage action takes time
- at the entrance to the reading rooms - because in their access areas there may be intersections of those entering and leaving during certain time intervals.

That is precisely why it can be said that the physical existence of the library depends to a large extent on its virtual existence, promotion in the online environment being one of the most effective means of promotion, with an effectiveness rate of over 38% among potential users. In addition, the expectations of academic clientele presuppose permanent, fast and quality access to the possible services provided by university libraries, therefore the existence of reference services that eliminate potential human errors are imperatively necessary both from the point of view of promotion and efficiency the activity.

5. OTHER USER ACCOMMODATION SERVICES

These are:

a) accommodation in the reading rooms - it is done through a special office/space intended to guide users by the library staff.

b) accommodation in research rooms, digital rooms, multimedia rooms and other rooms intended for study - is done in the same way as in the case of accommodation in reading rooms.

c) the use of other annex spaces - such as: toilets, hallways, changing rooms, loan rooms, event hall, public food area, etc.

User guidance inscriptions from the Vancouver Community Library

The Vancouver Library's user orientation inscriptions, as well as those regarding possible activities and visions for the future of the library, were the subject of an award of merit presented by SEGD (Global Design Award Program) to Mayer/Reed. The award was given for excellence in orientation graphic design, and 412 projects participated in the competition.

6. CONCLUSIONS

The text concludes that effective management practices are crucial for the successful operation and evolution of university libraries. By applying general management principles—such as planning, organizing, supervising, cost calculation, and controlling resources—libraries can address specific challenges unique to their environment. These include managing materials, equipment, and human and financial resources to meet their objectives, ensuring freedom of expression, and practicing good governance.

University library management involves creating products and providing services, such as digitizing materials and offering quick access to information. Despite criticisms regarding high costs, excessive staffing, and inefficiency, these are countered by the library's integral role within the university and its advanced management of resources. Effective management methods, including quality management, expense calculation, control, and marketing, are essential for continuous improvement.

Libraries aim to provide valuable information to users, and while profit generation may be challenging, they can often secure non-monetary benefits through events and sponsorships. Emphasizing virtual presence and online promotion enhances efficiency and reduces physical overcrowding. Ensuring effective user orientation and accommodation services is vital, with successful examples like the Vancouver Community Library showcasing the importance of user-friendly design and orientation tools. Overall, continuous adaptation and improvement in management practices are key to meeting the evolving needs of university library users.

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THE CONTENT OF THE MANDATE OF LOCAL ELECTED OFFICIALS

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ABSTRACT
Correlative to their rights, local elected officials have obligations. As representatives of the local community, they are duty-bound to participate in the exercise of the functions of the local public administration authorities to which they belong or which they represent.

KEYWORDS: *rights, obligations, local elected officials, content, mandate, entirety, duty*
JEL CLASIFICATIONS: K10, K11, K16

1. INTRODUCTION

According to art. 5, lit. f) of the Administrative Code, local elected officials are: the mayor, the deputy mayor, local councilors, the president of the county council, the vice-presidents of the county council, and county councilors.

It should be noted that the village delegate is also considered a local elected official.

The content of the mandate of local elected officials (Manda Corneliu, 2008, p. 296) represents the entirety of the rights and obligations that belong to the elected officials throughout the duration of their mandate.

Analyzing the specialized literature, Ana Vasile (2000, pp. 74-75) only lists the rights and obligations of local elected officials according to the provisions of the Administrative Code. In contrast, other authors such as Gabriel Manu (2021), Ghencea Flavia Lucia (2021), and Ștefan Elena Emilia (2023) omit the content of the mandate of local elected officials from their works.

Thus, a detailed analysis of the rights and obligations of local elected officials is necessary, according to the relevant legislation, doctrine, and jurisprudence.

The rights and obligations of local elected officials are found in the Administrative Code, specifically Government Emergency Ordinance No. 57/2019, Chapter III, from art. 206 to art. 226. Additionally, provisions can be found in other legislative acts such as: Law No. 176/2010 on integrity in the exercise of public functions and dignities, for amending and supplementing Law No. 144/2007 on the establishment, organization, and operation of the National Integrity Agency, as well as for amending and supplementing other normative acts; Law No. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public functions, and in the business environment, prevention, and sanctioning of corruption; or Government Ordinance No. 27/2002 regarding the regulation of the activity of solving petitions.

2. RIGHTS OF LOCAL ELECTED OFFICIALS

The Administrative Code, in Articles 206-219, provides the following rights for local elected officials:

- The right to an ID card and a distinctive sign as local elected officials;
- Guarantee of freedom of opinion in the exercise of their mandate for resolving and managing public affairs in the interest of the local community they represent;

- The right to form groups based on the parties or political alliances on whose lists they were elected;
- Suspension of their employment relationship or work contract within a public institution or authority, or within autonomous administrations or companies with full or majority state capital or administrative-territorial units, during the period of exercising the mandate of mayor, deputy mayor, president of the county council, or vice president of the county council;
- Retirement indemnity for the mayor, deputy mayor, president of the county council, and vice president of the county council;
- The right to a retirement indemnity for the mayor, deputy mayor, president of the county council, and vice president of the county council;
- The right of initiative in promoting administrative acts;
- The right to a monthly indemnity. The first to introduce remuneration for exercising various functions, a kind of salary, was Pericles in Ancient Greece (Boboș Gheorghe, 2006, p. 77). This allowed less wealthy individuals to hold certain state functions;
- The right to annual leave, medical leave, unpaid leave, and other types of leave for the presidents and vice presidents of county councils, mayors, and deputy mayors;
- Reimbursement of transportation costs for local elected officials who use their personal car or public transportation to travel from their place of residence to the location where the meetings of the local council, county council, or specialized committees are held;
- The right to training, education, and professional development;
- The right to access any public information of interest;
- The right to associate in political parties and other forms of association, according to the law.

3. OBLIGATIONS OF LOCAL ELECTED OFFICIALS

Correlative to their rights, local elected officials have obligations. As representatives of the local community, they have the duty to participate in the functions of the local public administration authorities to which they belong or which they represent (Manda Corneliu, 2008, p.297).

According to the provisions of Articles 220-226 of the Administrative Code, local elected officials have the following obligations:

- Compliance with the law;
- Participation in the meetings of the local council or county council and specialized committees;
- The duty to participate, during their mandate, in exercising the competencies of the local public administration authorities to which they belong or which they represent, as applicable, with good faith and loyalty to the country and the community that elected them;
- Professional integrity and discretion;
- Honesty and fairness;
- Organizing meetings with citizens, holding audiences, and presenting in the local or county council information regarding the issues raised;
- The obligation to present an annual activity report, which is made public through the care of the general secretary of the administrative-territorial unit/subdivision;
- The obligation to present at the first ordinary meeting of the deliberative authority, but no later than 45 days from the date of the conclusion of an overseas trip, a report regarding the trip undertaken;
- The obligation of the mayor or the president of the county council, through the general secretary of the administrative-territorial unit/subdivision and the specialized apparatus, to provide local or county councilors, upon their request, within no more than 10 working days, the necessary information for fulfilling their mandate in accordance with the law.

The Administrative Code further stipulates in Article 226, paragraphs (2-4), the possibility for local and county councilors to address questions and interpellations to the mayor, deputy mayor, or president of the county council, vice presidents of the county council, as applicable, with the corresponding obligation for them to respond in writing or orally, as applicable, by the next council meeting at the latest.

In our analysis, we will focus only on those rights and obligations that pose significant issues, following the principle "where the law is silent, doctrine and jurisprudence come in" to clarify these matters.

4. RIGHT TO RETIREMENT INDEMNITY FOR MAYOR, DEPUTY MAYOR, PRESIDENT OF THE COUNTY COUNCIL, AND VICE PRESIDENT OF THE COUNTY COUNCIL

According to Article 210 of the Administrative Code, individuals who have held the positions of mayor, deputy mayor, president, or vice president of the county council since 1992 and meet the conditions for standard retirement age, reduced standard retirement age as provided by public pension legislation, or other special laws are entitled, upon the termination of their mandate, to a monthly retirement indemnity.

The retirement indemnity represents the sum of money granted monthly to individuals who have held the positions of mayor, deputy mayor, president, or vice president of the county council.

Mayors, deputy mayors, presidents, and vice presidents of county councils are entitled to the retirement indemnity from the date they are granted retirement pension rights but not earlier than the date of termination of the current mandate.

The amount of the retirement indemnity is granted for up to three mandates, provided that the individuals mentioned in Article 210, paragraph (1) of the aforementioned normative act, have served at least one complete mandate as mayor, deputy mayor, president, or vice president of the county council.

The amount of the retirement indemnity is calculated as the product of the number of months of mandate by 0.40% of the gross monthly indemnity in payment.

If these individuals have served more than three different mandates, they may choose any of these mandates to be considered in determining the retirement indemnity, within the aforementioned limit.

In the case of serving different mandates under the conditions provided in Article 210, paragraph (4) of the Administrative Code, the monthly retirement indemnity will be calculated based on the gross monthly indemnities in payment corresponding to each function.

For different mandates, the calculation of the retirement indemnity will proceed as follows: a) for each type of mandate served, the calculation method provided in Article 210, paragraph (5) of the same normative act will apply; b) the amount of the retirement indemnity to which these individuals are entitled represents the sum of the values obtained by applying the provisions of letter a).

If the person benefiting from the retirement indemnity under the provisions of Article 210, paragraph (1) of the same law, starts serving a new mandate, the indemnity payment is suspended and resumed after the mandate ends, with the amount recalculated by valuing the period of the mandate served, at the request of the interested person, under the conditions provided in Article 210, paragraphs (4) and (5) of the Administrative Code.

The retirement indemnity can be combined with any type of pension established in the public pension system or in another pension system not integrated into the public system.

The retirement indemnity is subject to income tax and health insurance contributions.

The amount of the retirement indemnity is covered from the state budget and is provided for each administrative-territorial unit/subdivision through a distinct annex to the annual law approving the state budget.

The application for the retirement indemnity is submitted to the administrative-territorial unit/subdivision where the applicant served their mandate. The centralized situation for each administrative-territorial unit/subdivision is sent to the county public finance administrations or the regional general directorate of Bucharest, as applicable, which centralize them by county or Bucharest municipality and send them to the Ministry of Public Finance to substantiate the annex to the state budget law for each administrative-territorial unit/subdivision.

The procedure and methodology for applying the provisions of Article 210 of the Administrative Code are approved by Government decision.

It is important to mention the legal provision, specifically Article 210, paragraph (15) of the Administrative Code, which states that the retirement indemnity provided in Article 210, paragraph (1) of the same normative act, does not benefit mayors, deputy mayors, presidents, and vice presidents of county councils who have been definitively convicted of committing a corruption offense in their capacity as mayor, deputy mayor, president, or vice president of county councils.

Unspent amounts at the end of the year are returned to the state budget, under the conditions of the law.

It should be noted that by Emergency Ordinance No. 115/2023, the application deadline of the provisions of Article 210 of Government Emergency Ordinance No. 57/2019 regarding the Administrative Code, with subsequent amendments and completions, has been extended, thus suspending the payment of these indemnities until January 1, 2025.

5. PROTECTION OF LOCAL ELECTED OFFICIALS

According to Article 207, paragraph (4) of the Administrative Code, throughout the duration of their mandate, local elected officials are considered to be exercising public authority and enjoy the protection provided by law, specifically:

- The freedom of opinion in the exercise of the local elected official's mandate for the resolution and management of public affairs in the interest of the local community they represent is guaranteed.
- Local elected officials cannot be held legally responsible for political opinions expressed in the exercise of their mandate.
- The detention, imposition of preventive arrest measures, house arrest, or criminal prosecution of local elected officials, as well as the acts committed that led to these measures, must be communicated to both the public administration authority they belong to and the prefect within no more than 24 hours by the authorities that ordered these measures.

According to the adage contra non valentem agere non currit praescriptio – prescription does not run against one who is unable to act – regarding the detention or prosecution of local elected officials, it must be emphasized that protection does not remove responsibility nor delay the moment of criminal prosecution or judicial inquiry, as happens with parliamentarians, because notifying the local public authority is only a formal procedure and does not imply the inviolability of local elected officials (Muraru Ioan, Constantinescu Mihai, 2005, p. 333).

It should be noted that the same protection provided in Article 207, paragraph (4) of the Administrative Code also applies to the family members of the local elected official – spouse and children – if the aggression against them is directly aimed at exerting pressure on the local elected official regarding the exercise of their mandate.

Additionally, the protection of the mandate of local elected officials is also ensured through interest registers, considered legal means by which the law provides a certain legal protection, in the sense of delineating conflicts of interest (Apostolache Mihai, 2012, p. 118). This refers to a situation where a person holding a public office or a public function has a personal patrimonial interest that could influence the objective fulfillment of their duties according to the Constitution and other normative acts, specifically Article 70 of Law No. 161/2003 on certain measures to ensure transparency in the exercise of public dignities, public functions, and in the business environment, preventing and sanctioning corruption.

We concur with the viewpoint expressed in the specialized literature (Preda Mircea, 2007, p. 389) that the protection of local elected officials cannot exist in cases of insults, slander, defamation, and other such offenses, regardless of the context and form in which they are committed, as they cannot be considered as arising from the "nature of the mandate."

6. ORGANIZATION OF PERIODIC MEETINGS WITH CITIZENS AND HOLDING AUDIENCES BY COUNCILORS, AS WELL AS THE OBLIGATION TO PRESENT AN ANNUAL ACTIVITY REPORT

The law, specifically Article 225, paragraph (1) of the Administrative Code, stipulates that local elected officials are obligated, in the exercise of their mandate, to organize periodic meetings with citizens at least once a quarter, hold audiences, and present to the local council or county council a report on the issues raised during these meetings with citizens.

Doctrine (Podaru Ovidiu, 2004, p. 170) notes that local elected officials, as holders of public power entrusted by the community that elected them, are obligated to respect the Constitution and laws, protect the interests of their respective communities while respecting the national interest, support voters in resolving issues, and care for the prosperity of the community from which they come and to which they have been entrusted with a mandate.

We note that the legislation details these obligations of local elected officials by specifying what it means to organize periodic meetings with citizens once a quarter and the obligation to present the local council with a report on the issues raised at the citizen meetings but does not specify the frequency of audiences, practically leaving this obligation without content.

Consequently, we propose that organized audiences include inviting applicants to commission meetings that address their issues, with a bi-monthly frequency.

Regarding the annual obligation to present an activity report, we agree with the proposal expressed in the specialized literature (Podaru Ovidiu, 2004, p. 115) that this report should first be presented to the council and then made available to the interested public.

Thus, there are three obligations imposed by law on local elected officials: to organize periodic meetings with citizens, hold audiences, and present an annual activity report, the non-fulfillment of which is not legally sanctioned.

But what could be the sanction for failing to fulfill these legal duties considering that in Romania, the imperative mandate is null? Logically, it can only be a political sanction (Rotaru Dragoș, 2003, p. 250) applied by the electorate to the respective political parties, political alliances, electoral alliances, or independent candidates, consisting of not granting votes for obtaining a new mandate.

7. PROFESSIONAL DEVELOPMENT IN THE FIELD OF LOCAL PUBLIC ADMINISTRATION

The status of local elected officials, according to Article 41, paragraph (1) and Article 51, paragraph (1) of Law No. 393/2004, provided both the right and the duty for local elected officials to attend training, education, and professional development courses organized by specialized institutions during their mandate, in accordance with the decision of the local or county council.

In this regard, I initiated Local Council Decision No. 241/31.10.2006 in Turda, approving the participation of local elected officials of the municipality of Turda in training, education, and professional development courses during their mandate. Several local elected officials benefited from this decision during the 2004-2008 mandate, including the incumbent mayor, who, due to his own fault, did not complete his master's studies.

For these reasons, I proposed de *lege ferenda* (Roș Nicolae, 2015, p. 120), considering that these courses are funded from the budgets of administrative-territorial units, to amend Article 41 of the Status of Local Elected Officials with a provision inspired by Article 51, paragraph (6) of the Status of Civil Servants. According to this provision, if a local elected official who has attended a professional development course fails to complete it due to their own fault, they should be obliged to reimburse the institution or public authority for the costs incurred for the training, as well as the salary received during the training period, calculated according to the law, if these were covered by the authority or public institution, to ensure the same legal treatment as civil servants.

Hereby, I reiterate this proposal, especially since the sanction is provided in the new Administrative Code, specifically Article 458, paragraph (8). Individuals who have attended a training and professional development program but did not complete it due to their own fault are obliged to reimburse the institution or public authority for the costs incurred from its own budget, as well as the salary received during the training period, calculated according to the law, if these were covered by the authority or public institution.

Furthermore, we observe a regression in the applicable legislation, argued by the fact that in the Status of Local Elected Officials, they had both the right and the duty to improve their professional training as is currently the case in Article 458 of the Administrative Code as a right and obligation for civil servants, while in the current provision, specifically Article 217, paragraph (1), elected officials only have the right to training, education, and professional development without a corresponding obligation.

It should be noted that for occupying public leadership positions, in the case of civil servants, the Administrative Code, in Article 465, paragraph (3) stipulates the mandatory condition for candidates to be graduates with a master's degree in public administration, management, or in the specialty of studies necessary for the public position or with an equivalent diploma according to Article 57, paragraph (2) of Law No. 199/2023, except for public leadership positions at the level of local public administration authorities organized at the level of communes and counties.

The obligation to participate in at least one training course in public administration provided by the Status of Local Elected Officials was welcome, as many people elected to local or county leadership positions had no connection with local public administration issues (Apostolache Mihai, 2012, p. 104).

We also consider that as long as the Administrative Code requires individuals aspiring to public leadership positions to complete master's studies, it is even more essential for mayors who lead the commune, city, municipality, or county to be obliged to focus on professional development in the field.

Consequently, professional training should not only be a right but also an obligation for local elected officials.

Furthermore, we view the local council as the best political school for those interested in a career in this field, built on honesty, hard work, and continuous preparation in stages. Thus, we consider the local council as elementary school, the county council as high school, and the Parliament as university.

One cannot reach university (Parliament – the most representative legislative body in the country) directly from kindergarten by skipping stages; it would be like trying to climb multiple steps on a ladder with the risk of breaking a rung because the ladder is not only for ascending but also for descending.

8. ACCESS TO INFORMATION AND TRANSPARENCY OF ACTIVITIES

Access to information for local elected officials is provided in Article 218 of the Administrative Code. According to its provisions, the right of local elected officials to access any public information cannot be restricted.

Central and local public administration authorities, institutions, public services, and private legal entities are obligated to ensure the correct informing of local elected officials, according to their respective competencies, about public affairs and local interest issues.

Doctrine recommends (Preda Mircea, 2007, pp. 171-172) that the request be made in writing by the councilor, clearly specifying the issues they wish to be informed about, so that the information provided by the mayor can be as complete as possible.

Regarding the transparency of activities, according to Article 226 of the Administrative Code: the mayor or the president of the county council is obligated, through the general secretary of the administrative-territorial unit/subdivision and the specialized apparatus, to provide local councilors or county councilors, upon their request, within no more than 10 working days, with the necessary information to fulfill their mandate in accordance with the law.

Local councilors and county councilors can address questions and interpellations to the mayor, deputy mayor, or president of the county council, vice presidents of the county council, as applicable.

The requested response, in accordance with the above provisions, is generally provided immediately or, if not possible, at the next meeting of the local council or county council.

The individual being interpellated has the obligation to respond in writing or, as applicable, orally by the next meeting of the local council or county council at the latest.

We believe that the legal definitions of questions and interpellations should have been retained in the Administrative Code to help local elected officials distinguish between these instruments in exercising their mandate.

Thus, according to Article 60, paragraph (1) of Government Ordinance No. 35/2002 for the approval of the Framework Regulation on the organization and functioning of local councils, a question was defined as a request for information about an unknown fact, while Article 61 of the same normative act defined interpellation as a request for information about a known fact.

9. THE ACTIVITY OF RESOLVING PETITIONS

Citizens have a constitutionally recognized right to address public authorities through petitions. These petitions can only be formulated in the name of the signatories; any other form of address is considered a notification, not a request. Similarly, legally constituted organizations have the right to address petitions exclusively in the name of the collectives they represent (Criste Mircea, 2004, pp. 193-194).

The normative act regulating the manner in which citizens exercise their right to address public authorities and institutions through petitions in their own name or on behalf of the collectives they represent, as well as the manner of resolving these petitions, is Government Ordinance No. 27/2002 regarding the regulation of the activity of resolving petitions.

For the purposes of this ordinance, a petition is understood to be a request, complaint, notification, or proposal formulated in writing or by electronic mail, which a citizen or a legally constituted organization can address to central and local public authorities and institutions, decentralized public services of ministries and other central bodies, national companies and societies, commercial companies of county or local interest, as well as autonomous administrations, hereinafter referred to as public authorities and institutions.

The heads of public authorities and institutions are directly responsible for the proper organization and conduct of the activities of receiving, recording, and resolving petitions addressed to them, as well as for the legality of the solutions and their communication within the legal term.

Misaddressed petitions will be forwarded within 5 days from the date of registration by the public relations department to the public authorities or institutions responsible for resolving the issues raised, and the petitioner will be notified accordingly.

Anonymous petitions or those without the petitioner's identifying information will not be considered and will be archived.

The addressed public authorities and institutions are obligated to communicate to the petitioner, within 30 days from the date of registration of the petition, a response, whether the solution is favorable or unfavorable.

If the issues raised in the petition require a more thorough investigation, the head of the public authority or institution may extend the 30-day term by a maximum of 15 days.

If a petition raises certain issues regarding the activities of a person, it cannot be resolved by the person in question or by a subordinate.

If a petitioner addresses multiple petitions to the same public authority or institution regarding the same issue, they will be consolidated, and the petitioner will receive a single response that addresses all received petitions.

If, after sending the response, a new petition with the same content is received from the same petitioner or from a misaddressed public authority or institution, it will be archived, with a note on the initial number indicating that a response has been given.

The response must be signed by the head of the public authority or institution or by an authorized person, as well as by the head of the department that resolved the petition. The response must obligatorily indicate the legal basis for the adopted solution.

According to Article 14 of Emergency Ordinance No. 27/2002 regarding the regulation of the activity of resolving petitions, Romanian public administration authorities are obligated to periodically, specifically semi-annually, analyze their own activity of resolving petitions, based on the report prepared by the public relations department. This applies to public authorities and institutions, particularly the Local Council or County Council.

10. CONCLUSIONS

1. Analyzing the specialized literature, Ana Vasile (2000, pp. 74-75) merely lists the rights and obligations of local elected officials according to the provisions of the Administrative Code, while other authors such as Gabriel Manu (2021), Ghencea Flavia Lucia (2021), and Ștefan Elena Emilia (2023) omit the content of the mandate of local elected officials from their works. Thus, a detailed analysis of the rights and obligations of local elected officials according to the relevant legislation, doctrine, and jurisprudence is necessary.
2. There are at least three obligations, namely: to organize periodic meetings with citizens, to hold audiences, and to present an annual activity report, which are imposed by law on local elected officials, and the non-fulfillment of which is not legally sanctioned. Consequently, we propose that the organized audiences should include inviting applicants to commission meetings addressing their raised issues, with a bi-monthly frequency.
3. There should be a legal financial sanction for the non-publication of the annual activity report, as there is currently only a political sanction every four years.
4. Regarding the annual obligation to present an activity report, we agree with the proposal expressed in the specialized literature (Podaru Ovidiu, 2004, p. 115) that this report should first be presented to the council and then made available to the interested public.
5. For these reasons, I proposed de lege ferenda (Roș Nicolae, 2015, p. 120) that Article 41 of the Status of Local Elected Officials be supplemented with a provision inspired by Article 51, paragraph (6) of the Status of Civil Servants. According to this provision, if a local elected official who has attended a professional development course fails to complete it due to their own fault, they should be obliged to reimburse the institution or public authority for the expenses incurred for the training, as well as the salary received during the training period, calculated according to the law, if these were covered by the authority or public institution. Hereby, I reiterate this proposal, especially since the sanction is provided in the new Administrative Code, specifically Article 458, paragraph (8), where individuals who have attended a training and professional development program but failed to complete it due to their own fault are obliged to reimburse the institution or public authority for the costs incurred from their own budget, as well as the salary received during the training period, calculated according to the law, if these were covered by the authority or public institution.

6. Consequently, professional training should be not only a right but also an obligation for local elected officials.
7. Analyzing the legislative provisions regarding the professional training of local elected officials, we consider the current legislation, specifically the Administrative Code, a regression compared to the provisions of the Status of Local Elected Officials, now repealed, where professional training was provided as both a right and an obligation (see Article 41, paragraph (1) and Article 51, paragraph (1) of Law No. 393/2004 regarding the Status of Local Elected Officials, now repealed).
8. We believe that the legal definitions of questions and interpellations should have been retained in the Administrative Code from the old legislation, specifically Government Ordinance No. 35/2002 for the approval of the Framework Regulation on the organization and functioning of local councils, so that local elected officials can distinguish between these instruments in exercising their mandate.
9. It is noteworthy that the retirement indemnity for mayors, deputy mayors, presidents of county councils, and vice presidents of county councils, although provided in the Administrative Code since 2019, is still not applied because Article 210 of the Administrative Code, with subsequent amendments and completions, is suspended until January 1, 2025, according to Government Emergency Ordinance No. 115/2023.
10. The main activity indicator of a local elected official is the drafting, initiation, and promotion of administrative acts, including monitoring their implementation. This aspect leaves much to be desired for many local elected officials because it requires extensive documentation and a corresponding level of complexity. As a result, many embellish their activity reports with quantitative indicators regarding the number of participations in protocol actions, avoiding the primary task from the job description of a local elected official in a legislative body. This can be observed through a simple reading and qualitative assessment of the activities of those who have been willing to publish their annual activity reports.

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