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Content

Theoretical and practical aspects regarding the impact of structural funds on local communities

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Abstract

The general concept of "European funds" refers to the non-reimbursable financing instruments allocated to the Member States of the European Union (EU) to reduce the economic and social development gaps between them. European funds are jointly managed by the European Commission and each member state individually. For Romania, the European Structural and Investment Funds (ESI Funds) are the main source of financing for the Operational Programs, which have as their primary objective the implementation of the economic and social Cohesion Policy at the national level. ESI funds include: European Regional Development Fund (ERDF), European Social Fund (ESF), Cohesion Fund (CF); European Agricultural Fund for Rural Development (EAFRD), European Fund for Fisheries and Maritime Affairs (EFFMA). In addition, the development of agriculture is also financed by direct payments from the European Agricultural Guarantee Fund (EAGF). Aid for the categories of disadvantaged people is ensured from the European Aid Fund for the Most Disadvantaged People (EAFMDP). Attracting European funds by the private sector, respectively, local public authorities, represents a challenge, due to the fact that the excessive bureaucracy required to complete the process of approving funding requests is arduous and cumbersome, the legislative and procedural changes in the funding axes are in constant motion, which creates an impediment in their implementation, but with a little involvement, professionalism and perseverance, the results will be adequate.

Keywords: *structural funds, impact on communities, local public authorities, private environment*

Introductory aspects:

The implementation of non-reimbursable European funds and national structural funds implies for local public authoryties rigor and above all an obligation to comply with the provisions of the European Union regulations, as well as above all the national legal provisions. Compliance with them will have the purpose, through a proper management of the projects and especially of the people directly involved in the management teams, the correct use and transparency of the development funds, and implicitly the completion of the investment objectives that will bring added value to the communities where they are implemented and above all, the needs of the citizens will be satisfied.

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The leader of the local public authority is the mayor, who is the one who coordinates the entire apparatus dealing with the implementation of the funds, and the way in which they are carried out is the direct result of his capacities to carry out projects and modernize the community through the financial resources attracted through different operational programs and implemented on time.

The European Union has established for the 2021-2027 programming period clear priorities regarding investments financed by European funds, among which can be listed:

- Developing SMEs and increasing the competitiveness of the business environment;
- Investments in agriculture and rural development;
- Investments in aquaculture, in increasing the productivity of SMEs operating in this field, in the specific infrastructure
- Investments in infrastructure (transportation, drinking water and sewage networks, waste management, health, education, tourism, cultural heritage, energy efficiency and renewable energy);
- Investments in research, development and innovation in priority areas for Romania, as well as in the field of information and communication technology;
- Investments in human capital, through training or professional conversion activities, social services, job creation, promotion of social inclusion and combating poverty and discrimination;
- Territorial cooperation between EU regions in the field of research, environment, transport, education, energy, health, security and training;
- Consolidation and development of central and local public administration by making specific investments;
- Strengthening the administrative capacity of the beneficiaries in order to prepare and implement the projects financed from FESI

Both local public authorities and the private sector, in order to achieve maximum efficiency in attracting European funds, must demonstrate maximum conscientiousness and efficient organization in carrying out administrative activities. The implementation department or the consultants contracted in this regard, must have a high degree of conscientiousness towards the service they provide, continuous professional training and professionalism.

Research motivation and methodology

Motto: "The two most important days in your life are the day you were born and the day you found out why." – Mark Twain.

With the right man in the right place, the central and local public administration will fulfill its mission including by attracting European funding for the communities where they are employed.

"Would you like me to give you the formula for success? It's pretty simple, really: double your failures. You think failure is the enemy of success, but it's not. You can be discouraged by failure and learn from it, so go ahead and make mistakes. Do what you can. And remember, that's how you'll find success." – Thomas J. Watson

The structural funds represent an important chance for economic development of all the member states of the European Union, and at the same time we have the obligation that, through the investments we will implement both at the level of the private environment and especially at the level of central and local public authorities, they will have as their main goal the economic development of the communities.

The leaders of the central or local public authorities or the administrators want, during the time period in which they carry out their activity, to exploit their potential to the maximum. The financing opportunities made available, all the possibilities of economic and social development and implicitly the creation of a stimulating and competitive business environment, will result in new, well-paid jobs and implicitly an increase in the standard of living.

In order to achieve the aforementioned, the direct beneficiaries (local public authorities) must implement their own mechanism of operation of the fund access compartment → from the procedure of identifying the funding source, request, application, signing, acquisition, implementation, monitoring and completion of the access procedures, both of the structural funds applicable at national level and of the European funds – costs implicitly made from the local budget.

In the case of the private environment, they must hire specialized consulting firms, which will take care of all the aforementioned procedure, but these costs will be borne from their own budget, and without them they will not be able to implement the desired projects. I mention the fact that the implementation of projects varies from one institution to another, from one consultant to another, due primarily to the number of officials, and above all to the degree of professionalism and professional training.

The projects implemented at the level of our country, resulting from professional implementations, can be seen all over Romania. Thus, large infrastructure projects (railway upgrades, viaducts, highways, airports, industrial capacity farms) have contributed to improving connectivity and increasing the mobility of the population and goods. Small infrastructure projects are visible in all communities: parks, streets, human dispensaries, rehabilitation of cultural homes, SME development, etc. The completion of these projects had a direct effect on increasing the quality of human life as a whole. The implementation of the projects has as a positive impact on state, county, local budgets and especially on the private environment.

In this sense, to increase the standard of living of the population, as many funds as possible must be attracted and implemented on different levels such as road infrastructure, health, recreation and free time, tourism, economy, etc.

The general objective of this research paper is to contribute to clarifying the importance of structural funds on local communities, both in the public and private environment, and the process of attracting European funds, structural and from other sources, based on funding standards and procedures.

The specific objective of this research paper is: the analysis of some theoretical and practical aspects regarding the impact of structural funds on local communities. Case study – Dobârlău commune town hall, Covasna County and Colțea Iosif farm – Iarăș village, Hăghig commune. Covasna County

Any scientific work is based on specific research of the chosen theme to ensure the achievement of the proposed objectives. The entire research process is based on bibliographic documentation from various sources (specialist books, scientific works, publications, etc.) on the basis of which the author can prepare a complex work, which will concretely and coherently transpose the proposed general and specific objectives.

The work proposed for the research *"Theoretical and practical aspects regarding the impact of structural funds on local communities"* is structured on several levels, namely the *conceptual – theoretical* part, the *conceptual – practical* part and practical aspects analyzed through an applied case study.

The importance of the chosen theme

European funds represent an essential source of financing for the member states of the European Union, having a crucial role in supporting economic, social and infrastructural development. Romania, as an EU member state, benefits from these funds to stimulate its economic growth, improve infrastructure and reduce regional disparities.

To be successful in accessing European funds, a pragmatic approach is needed.[1]

At the level of our country, European funds have had a significant impact in several areas:

1. **Rural Development**: EAFRD supported the development of rural infrastructure, the modernization and development of farms and environmental protection projects. These had a direct result in increasing the competitiveness of agriculture and improving living conditions in the countryside.

[1] https://presamil.ro/pentru-a-avea-succes-in-accesarea-fondurilor-europene-este-nevoie-de-o-abordare-pragmatica/
Codrin-Dumitru Munteanu, coordonator general al Comitetului MApN pentru organizarea și coordonarea procesului de atragere de fonduri europene nerambursabile.

2. **Infrastructure:** European funding has enabled the construction and modernization of highways, national and regional roads, railways and airports. These projects have helped to improve connectivity and increase the mobility of people and goods.
3. **Environment**: European funds have financed waste management projects, water and biodiversity protection, as well as initiatives to combat climate change.
4. **Education and Professional Training**: Through the programs financed by the ESF, thousands of Romanians had access to professional training courses, social inclusion initiatives were supported and opportunities were created for young people.
5. **Economy**: By supporting small and medium-sized enterprises (SMEs), European funds have stimulated innovation and competitiveness, contributing to job creation and economic growth.

Despite the successes recorded, the use of structural funds in our country was not without challenges, as we said above, bureaucratic procedures, the complexity of the rules and the reduced administrative capacity represented obstacles in the efficient absorption of funds. For the next period, it is urgently necessary for Romania to improve the management of European funds, strengthen administrative capacity and reduce bureaucracy. At the same time, it is important to ensure greater transparency in the use of these funds and to actively involve all interested parties in the process of project planning and implementation.

In the analyzed situation, namely the impact of structural funds on local communities, it is characterized by the allocation of appropriate financial resources to the requesting environment in order to achieve maximum potential necessary to satisfy the needs of the citizen.

Accessing structural funds, although it is a complex process, there are clearly established steps that private organizations and local public authorities can follow to access European funds:

- **Identifying funding opportunities** – The first step is to identify the programs and funding schemes available within the funding axes that suit your needs and objectives;
- **Development of a solid project** – Once the funding suitable for the project has been identified, a solid project must be developed that fits the criteria and objectives of the respective program. It is very important to have a clear strategy, realistic goals and a well-defined implementation plan.
- **Ensuring Co-financing**: Most financing programs require a financial contribution from the applicant, known as co-financing. Securing resources for co-financing is essential to be able to access European

funds, being one of the basic principles in the allocation of European financial resources, regardless of the object of financing.

- **Submission of the funding application**: Submission of a funding application is done in compliance with the provisions of the specific Guide and the procedures of the program in question. This involves completing specific forms and documents and meeting set deadlines.
- **Evaluation and Selection of projects**: After submission of applications, they will be evaluated in accordance with the criteria and procedures established by the management authorities, with projects that meet the criteria being selected for funding.
- **Project implementation and monitoring**: Once the project has been selected for funding, the implementation phase follows. It is important to respect the deadlines and requirements established by the financing contract and to ensure a strict monitoring of the progress of the project, quantifiable in specific indicators, depending on the object of the project.
- **Reporting and evaluation**: During the implementation of the project, it is mandatory to provide periodic reports and participate in the intermediate and final evaluations established by the management authorities.

Everyone knows that certain things are unachievable, until someone who doesn't know this comes along and makes them happen (Albert Einstein)[2].

We observe here the fact that a good administrator knows from the beginning that many people have tried to achieve something and have shown pessimism, indirectly trying to induce the fear of failure, but from my point of view with a well-laid plan and ambition, he will succeed in achieving the proposed thing, even if others have not succeeded in doing so. Thus, the self-improvement capacity of each individual to become more efficient will materialize on the satisfaction of the target group, and if he finds deficiencies in the project, he will order the legal measures to correct them, and if he finds a lack of legal knowledge, he will have to deepen them.

Current data of the proposed objective

The quality of public administration and governance of a country is an essential factor for its economic performance, but also for the well-being of the citizens of that country. Effective public administrations are at the service of citizens and businesses. It is essential that public authorities can adapt to changing circumstances[3].

The local public administration represents a distinct part of the public administration in Romania, which represents one third of the employees paid

[2] https://bani.md/100-cele-mai-tari-citate-motivationale-dupa-forbes/ Albert Einstein
[3] https://reform-support.ec.europa.eu/what-we-do/public-administration-and-governance_ro

from public funds. It is directly related to the citizen whose general interests it primarily serves. Both the investments and the decisions made have a direct impact on the quality of life and living conditions.

Agriculture and animal husbandry represent an important pillar in Romania's industry, generating approximately 4.5% of Romania's Gross Domestic Product. This percentage can increase substantially in the coming years if we make the transition from traditional agriculture to agro-industry, digitization and sustainability.

In the content of this work, we will simultaneously focus on 2 (two) levels, respectively, on the Dobârlău Administrative-Territorial Unit from Covasna County and the Young Farmer Colțea Iosif Farm from the village of Iarăș, Dobârlău commune, Covasna County, in order to realize the parallel impact of the structural funds in the public and private environment.

On February 1, 2025, the commune of Dobârlău had 2390 inhabitants in its 4 villages (Dobârlău, Mărcuș, Lunca Mărcușului and Valea Dobârlău), being located on the border with Brașov county. In order to solve administrative and local interest problems, the specialized apparatus of the Mayor of the Commune has a total of 11 employees, dignitaries, civil servants, contractual staff and other types of public personnel. Out of the total of 11 employees, 7 (seven) people have responsibilities in the field of funds and project implementation, namely the mayor, the deputy mayor, the mayor's advisor, the general secretary and 3 (three) advisors from the mayor's specialized apparatus. Talking about 7 people with duties in the application and implementation of European funds at the local level. Although the bureaucracy in this area is very large, the local public authority is doing remarkably well in terms of how it manages structural funds. Following this research, it was found that there is a close, open and success-oriented collaboration between these people, having primarily the desire to carry out projects in the local public interest of the citizens and to strengthen the purpose for which they exercise their public authority, namely attracting funds in the community.

On February 1, 2025, Colțea Iosif Farm operates in the village of Iarăș, Hăghig commune, Covasna County (2392 inhabitants), on the territorial administrative border with Brașov county, and had 14 employees. It operates in the agricultural and animal husbandry sector. For the implementation of completed and ongoing projects, he worked together with his wife and the administrative advisor, and on the technical and consulting side contracted a company specialized in this regard. Although the bureaucracy in this field, for private entities is more onerous than that of the local public authorities, he managed remarkably in the implementation of these funds. Following the research, I found that between these involved people there is a family-type collaboration, open and oriented towards success, but also self-help, which is

carried out with great sacrifices to be able to complete these projects, and to develop the business through structural funds.

The main question of scientific research

Because the purpose of this scientific research is the impact of structural funds in local communities and research sites, we ask ourselves the question: *Was the impact of structural funds in local communities a positive one?*

This inquiry sets the stage for new questions such as, *To whom does this research matter? What will be the positive implications of doing this research?*

The present study tries to demonstrate the role and importance of the implementation of structural funds for the development of local communities.

The scientific and practical consequences of the research

Following this research carried out on this segment, respectively the Mayor of Dobârlău commune Mr. BARBU BOGDAN, respectively the Administrator of Colțea Farm – Mr. COLȚEA IOSIF, as administrators of the researched objectives, in the next period the research will be able to be extended to the level of other similar localities, respectively communes, or it can be expanded vertically to the level of cities, municipalities, counties, to the level of sectors and even to the level of the capital.

It will be possible to address new perspectives such as the identification of common problems faced by administrators in this sector, proposals to improve the legal spectrum that applies in this field, the introduction of new courses, workshops and implicitly the modification of work procedures.

Another very important thing is the feedback that people outside the community will give to these people.

The scientific research used in this project is ***APPLIED RESEARCH – EMPIRICAL***, original, having as its main purpose the accumulation of new information that is oriented towards the specific practical objective.

To carry out this research, I decided to use the Interview as a research technique. I wanted through this method to get in direct contact with the people involved in this process, and how they perceive the way of working, the contact with the designated officials, to be able to see their reaction regarding the questions asked, the way of answering, perception, etc.

We wanted the target group to be a complex group from both the public and the private environment, which could provide an overview of the scientific research carried out and result in conclusive information on the way of working in both the private and the public environment and following the implementation what was the impact, and the results obtained in this regard. Thus, I interviewed both aforementioned persons, the subjects of scientific research, who were kind enough to answer my questions.

The interview took place both at the headquarters of the institution of the Dobârlău commune Town Hall – in the village of Dobârlău, Dobârlău commune,

no. 233, Covasna County on 07.02.2025, and at the Colțea Farm headquarters in Iarăș village, Hăghig commune, No. 177 Covasna County on 08.02.2025.

The questions used

1. How did you decide to get involved in local public administration, although you also work in the private sector?

2. How do you rate the relationship between the organization you lead and the advisory institutions within the projects?

3. How do you assess the way in which projects are submitted to obtain funding from different sources?

4. Is your project implementation team a professional team? Has it effectively monitored and implemented projects?

5. What was the total amount of funds raised by your organization?

6. What was their impact?

1. How did you decide to get involved in local public administration, although you also work in the private sector?

Barbu Bogdan: I felt the need for a change in my life and especially in that of the community. I saw localities developing with my own eyes, and I said – Dobârlău Commune will develop with the help of structural funds, and with God's help we have managed to implement a few projects so far, but there is still a lot of work. With work and perseverance with my team we will succeed.

Colțea Iosif: In my work I always had proposals to the authorities. Let's do it like this, it's not good like this, I think we should do it like this, and many citizens urged me to run, because they trust me. Now I represent the local community at the level of the Covasna County Council, and I try to contribute to the community, and I take care of my farm, my dear animals.

To this question, both people found the desire for change in their lives and especially the desire to be involved in community issues. Nowadays we observe a distance between the people who work in the private environment and those who work in the public environment, but here we observe two people who can understand the mechanism of the private environment transposed into the public one, and from this we consider the positive contribution brought to the community from which they come.

2. How do you rate the relationship between the organization you lead and the advisory institutions within the projects?

Barbu Bogdan: Very good question! Thank you! I think that there are many mayors in Romania who agree with me! Within a project, we need a lot of approvals, documentation, taxes, returns, clarifications, things that slow down the project implementation process. From my point of view, we need a single office that includes all the approving institutions, the mentions are passed, clarified and the single approving is received and we move on.

Colțea Iosif: From my point of view at the current bureaucratic level, the institutions are the entities that slow down the project implementation process. You still need a tax, you still need a document, the legislation has changed in the meantime... Anyway, I hope that the digitization that will be implemented at the national level will be of great help to us. We in agriculture, besides the fact that we have to solve bureaucratic problems, we have to ensure the food of the citizens.

We conclude, following this question, that in both situations, the bureaucracy of the approving institutions represents a procedural impediment to project implementation, but digitization and the creation of a single approving office will create advantages for project implementation.

3. How do you assess the way in which projects are submitted to obtain funding from different sources?

Barbu Bogdan: Considering the fact that at the beginning of my mandate in 2016, all projects were submitted in written format, you went all the way to Bucharest, a document was missing, come back and complete the file... Now that the submission procedure for obtaining financing is exclusively online, I think it's an excellent thing**.**

Coltea Iosif: Now it's very simple, everything is digital. But in the old days, I can honestly say that because of this I wanted to quit. We who want European funds, we want to develop, we want to work. It's good that the submission procedure has changed.

We conclude from this question that although the procedure for submitting projects for financing was arduous, at this moment it is much simpler, much easier, which has a positive impact on the submission.

4. Is your project implementation team a professional team? Has it effectively monitored and implemented projects?

Beard Bogdan: Yes! Definitely Yes! I am very proud of my colleagues! There were days when I left home at 12 at night. Good results require sacrifices. We always have a chart, a clear procedure that we work on, and if we make a mistake, we never look for the culprits, but how we can fix the mistake that occurred.

Colțea Iosif: The consulting team I worked with and implemented all the projects is a team of professionals! I thank them for their patience, professionalism and continued involvement. And on future projects I will collaborate with them.

From these answers it is clear that the people who managed to perform in the field of structural funds could only do so through involvement and professionalism.

5. What was the total amount of funds attracted by your organization?

Barbu Bogdan: Around the amount of 30 million Euros. Funds attracted in all areas, from water and sanitation infrastructure, road infrastructure, health,

culture, tourism, public administration, social environment, digitalization, recreation and leisure, education, etc.

Colțea Iosif: The total number of projects we have implemented within our activity is around 8 million Euros. Investments that have succeeded in developing the production capacity and purchase of machinery with which agriculture looks much more beautiful.

Generous sums that added value to the communities where the funds were attracted.

6. What was their impact?

Barbu Bogdan: Of course the impact was positive. Citizens need the local public authority to ensure minimum living conditions, to ensure the utilities they need for a decent living. They need water and sewage, they need a school to send their children to, they need a modern dispensary, rehabilitated roads. These are normal conditions, which we try to ensure**.**

Coltea Iosif: The impact of the funds at the level was a positive one. Without these funds we could not have developed. Know that these funds have had a positive impact throughout the community, from the people who directly benefit from the operation of the company, as well as the local public administration that collects local taxes and fees**.**

We conclude that the impact on the attraction of European funds in the 2 (two) organizations was a positive one. Investing money in a small community has the effect of raising the standard of living of the local community.

Projects – structural funds Dobârlău commune, Covasna County

- Construction of a bridge over the Dobârlăiaș stream and access road from DC 15 Dobârlău – 167889.50 Euro
- Demolition of pedestrian bridge and construction of new pedestrian bridge over Pârâul Dobârlăiaș, Dobârlău village, Dobârlău commune, Covasna County – 83225.80 Euro
- Demolition of the school and construction of a new building Valea Dobârlăului Primary School, Dobârlău commune, Covasna County – 344060.74 Euro
- Modernization of communal road DC15, km 0+000-km 4+500 from Dobârlău village, Dobârlău commune, Covasna County – 1605553.04 Euro
- Demolition and construction of a bridge over Dobârlăiaș Stream, La Bobeș area, Dobârlău commune, Covasna County – 167889.51 Euro
- Modernization of DC 27A, km 0+000-1+700, Lunca Mărcușului village, Dobârlău commune, Covasna County – 493130.07 Euro
- Rehabilitation, modernization and extension of kindergarten in Dobârlău village, Dobârlău commune, Covasna County – 283241.96 Euro

- Rehabilitation, modernization and expansion of the Town Hall headquarters in Dobârlău village, Dobârlău commune, Covasna County – 717868.02 Euro
- Rehabilitation, modernization and expansion of the Secondary School in Dobârlău village, Dobârlău commune, Covasna County – 692871.29 Euro
- Rehabilitation, modernization and expansion of the Secondary School in Lunca Mărcușului village, Dobârlău commune, Covasna County – 161914.88 Euro
- Rehabilitation, modernization and expansion of the Secondary School in Mărcuș village, Dobârlău commune, Covasna County – 329924.84 Euro
- Construction of a bridge over Pârâul Finișoara in Dobârlău commune, Covasna County – 92156.95 Euro
- Kindergarten with normal program with 2 group rooms in Dobârlău commune, Covasna County – 100368.53 Euro
- Construction of Dobârlau Sports Hall – 1650537.76 Euro
- Rehabilitation of a cultural home in the village of Lunca Mărcușului, Dobârlău commune, Covasna County – 702429.15 Euro
- Rehabilitation of cultural home in Dobârlău village, Dobârlău commune, Covasna County – 1237651.82 Euro
- Construction of a human dispensary in Mărcuș village, Dobârlău commune, Covasna County – 733029.42 Euros
- Hydro-development constructions in Dobârlău commune, Covasna County – 2935222.7 Euro
- Restoration of calamity effects stage 2 – 404496.90 Euro
- Construction of water connections – 91093.12 Euro
- Hydraulic constructions. Water supply, household sewage and treatment plant in the village of Valea Dobârlău, Dobârlău commune, Covasna County – 3763114.30 Euro
- Extension of the sewage network in Dobârlău village, Dobârlău commune, Covasna County – 604387.97 Euro
- Modernization of roads in the villages of Dobârlău and Mărcuș, Dobârlău commune, Covasna County – 4251012.14 Euros
- Implementation of intelligent monitoring systems and equipping public space with intelligent furniture in Dobârlău commune, Covasna County – 323632.65 Euro
- Increasing the energy efficiency for the housing block located in Dobârlău village, Dobârlău commune, no. 52, Covasna County – 182567.25 Euro
- Equipping education units in Dobârlău commune with interactive whiteboards – 30364.37 Euros

- Systematic cadastre – 96876.31 Euro
- C15 Efficiency of the educational act – 220697.21 Euro
- Construction of natural gas network – 3643724.70 Euro
- Simplification through digitization – 497547.80 Euro
- Digitization of the town hall – 16478.92 Euro
- Construction of a multifunctional center in the village of Dobârlău – 2456783.42 Euro.

The total investments currently underway within the scope of the Dobârlau Territorial Administrative Unit amount to approximately 30 Million Euros. All these projects were submitted through a lot of work, perseverance and above all through ambition, even if the implementation and access procedures are difficult and the bureaucracy is high.

Conclusions

The research project addressed a topic of great topicality and at the same time very interesting for the local public administration and the private environment in Romania, namely European funds, their attraction and implementation.

The general objective was to contribute to clarifying the importance of structural funds on local communities, both in the public and private environment, and the process of attracting European, structural and other funds, based on funding standards and procedures, and as a *specific objective* was to verify the impact of structural funds on local communities. Theoretical and practical aspects. Case study – Dobârlău commune town hall, Covasna County and Colțea Iosif farm – Iarăș village, Hăghig commune, Covasna county.

The interview was addressed to the legal representatives – the Mayor of the Dobârlău commune – Mr. Barbu Bogdan and the Administrator of Colțea Iosif Farm, who answered the questions set out above.

The logic of this research in the overall plan of the evaluation is to follow to what extent structural funds bring added value in the aforementioned communities.

Following the interviews used, it was concluded that the above-mentioned persons are well trained in the field of structural funds and do their best to bring added value to their communities. Although both legislative procedures are constantly changing, continuous training will help the specialized apparatus to brilliantly manage the implementation of projects.

In conclusion, considering the implementation procedures, government policy and the fact that this subject represents an economic hub, European funds represent a research topic of great importance both nationally and internationally. Thus, I believe that the approach of this topic by professional researchers has a positive impact in the area of creating a correct perception of the impact of European funds in communities.

Considering the objective of this stage and considering the data above, we consider that our goal has been achieved, and both the local public authority – Dobârlău Town Hall, as well as Ferma Colțea Iosif have carried out all the steps to have people prepared, with labor and eager to achieve beautiful things and to implement the structural funds.

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Legal aspects regarding the notion, indivisibility, legal characters and special nullities of the life annuity contract in the current regulation

Vlad-Teodor FLOREA[*]

Abstract

The present study analyses some legal institutions in the field of life annuity contract, as regulated by Law no. 287/2009 on the Civil Code. The author focuses on legal issues related to the life annuity contract and examines how they were regulated, highlighting gaps, unclear wording and ambiguities. At the same time, the doctrinal opinions in the matter regarding the legal characters of the life annuity contract and its special nullities, completed or on the contrary rejected, investigated with adequate legal arguments.

Keywords: *life annuity contract; creditor; co rentier; the indivisibility of the life annuity; random contract; contract with successive execution; intuit-personae contract; irrevocable contract; absolute special nullities.*

1. The idea of annuity contract.

The current Civil Code[1] regulates the life annuity contract in Book V ("On obligations"), Title IX ("Various special contracts"), by art.2242-2253.

According to art. 2242 para. (1) Civil Code, "Through the life annuity contract, a party, called co rentier, undertakes to perform for the benefit of a certain person, called creditor, periodic benefits, consisting of sums of money or other fungible goods. "

Examining the legal definition of the contract in question, a few remarks have to be made.

First, we note that if in the previous Civil Code[2], the life annuity contract was not regulated; the Civil Code in force emphasizes the essential feature of this type of agreement, namely the fact that it represents a contract with successive execution ("periodic benefits"), having as an object, and the transmission of sums of money or other fungible goods. The annuity contract lacks the claim involving periodic benefits.[3]

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[1] Law no. 287/2009 on the Civil Code

[2] See Civil Code of 1864

[3] See, M.G. Berindei, "*Succinte precizări cu privire la noțiunea, durata, cazurile de nulitate absolută și rezoluțiunea contractului de rentă viageră în reglementarea actuală"*, in *Studii și cercetări juridice*, no. 3/2015, Ed. Romanian Academy, p.376.

Second, the term "annuity" highlights the specificity of the analysed contract, highlighted by this very term. An annuity means a receivable whose object consists of periodic benefits of the nature of fungible goods. Thus, the current legal definition of the contract takes a back seat, in the sense that it erases the topicality of the doctrinal opinion[4] expressed under the previous legislation, according to which the debtor's obligation was limited to the periodic payment of a sum of money.

However, the current legal definition extends the debtor's[5] obligation by stating that the object of his benefit is not only the amounts of money, but also other fungible goods, i.e. any goods determinable by number, size or weight or that can be replaced by each other in execution of the obligation. [Art.543 para. (2) Civil Code].

Third, the question naturally arose in the literature[6] whether the expression "other fungible goods" can mean any goods in this category that could be subject to the debtor's obligation, or, conversely, only those fungible goods compatible with the life annuity contract.

Acquiring the evoked doctrinal opinion, namely those only fungible goods that "compete for the purpose of the annuity contract", could be subject to the obligation of the debtor, we add another argument. The principle of "*specialia generalibus derogant*" operates, the species represented by the maintenance contract.

In other words, if the expendable goods that constitute the debtor's periodic obligation are of the nature required by the maintenance contract (for example, food for the creditor's daily food), then we are no longer dealing with the legal nature of the life annuity contract.

Fourth, we specify that we adhere to the doctrinal opinion[7] according to which "… the person for whose benefit the annuity is constituted may be a party to a life annuity contract (co-contractor of the debtor) or may be a third party to this contract (case in which the annuity is confused with a stipulation for another)".

The argument invoked by the aforementioned author in support of the defence of this thesis is that in the matter of the life annuity contract, "the debtor is a party and the creditor is a person", as stipulated by the legal provisions.

Along with this argument can be attached the one resulting from the provisions of art.2243 paragraph (2) of the Civil Code. Thus, according to this text of law, when the annuity stipulated in favour of a third party, the contract is

[4] See, Fr. Deak, "*Tratat de drept civil. Contracte speciale, ed. a III-a , actualizată și completată"*, ed. III, updated and completed, Ed.Universul Juridic, Bucharest, 2001, p.524 and following.
[5] See, C.Macovei, M.C.Dobrilă, "*Contractul de rentă viageră"*, in Fl.-Antoniu Baias, E.Chelaru, R. Constantinovici, I.Macovei, "*Noul Cod covil. Comentariu pe articole"*, Ed. C.H.Beck, Bucharest, 2012, p.2196-2197.
[6] See, M.C. Berindei, op.cit, P.376.
[7] See, C.Macovei, M.C.Dobrilă, op.cit. P.2196.

not subject to the form provided for donation, even the third party receives it free of charge.

Therefore, we note the first thesis of the sentence – there is a possibility that one of the parties of the contract, called the stipulator, may impose on the other, called the promisor, the obligation to perform a periodic service, having as object the transmission of a sum of money or other fungible goods, in favour of a third beneficiary. The beneficiary creditor thus acquires, free of charge, drawn up with the intention of gratifying, *donandi causa*, a free benefit, through an indirect donation, exempted from its formal conditions.

2. The indivisibility of the life annuity

In the legal literature[8], the opinion was that the indivisibility of the life annuity in the case of the plurality of creditors applies only if the life annuity has as object a sum of money.

However, according to Art. 2245 of the Civil Code, the obligation to pay the life annuity is indivisible with respect to the creditors, unless otherwise agreed. Therefore, the law does not make any distinction between the situation in which the annuity consists of a sum of money, or, on the contrary, in other fungible goods, to state that the indivisibility of the annuity would apply only in the case of the benefit consisting in an amount of money.

In conclusion, we are of the opinion, together with other authors[9], that in the situation where the annuity was constituted in favour of several persons, any of these creditors may request the full execution of the obligation to pay the annuity by the debtor.

Therefore, the applicant creditor, who has applied in court to prosecute the defendant debtor for the entire annuity, will not be able to oppose the enrichment without legitimate grounds, or an exception, which will have the effect of introducing the other creditors in question.

At the same time, in the event that the debtor has made the full payment of the annuity to one of the creditors, then the solvent debtor will be released to all creditors. The active indivisibility of the annuity is presumed, which means that the parties can, by expressly expressing their legal will, remove the indivisibility of the life annuity claim.

3. Legal characteristics of the life annuity contract

From the overall economics of the regulations relating to the life annuity contract, we understand that it has the following legal characteristics:

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[8] See, C. Hamangiu, I. Rosetti Bălănescu, Al. Baicoianu, "*Tratat de drept civil român"*, vol. II, All Beck Publishing House, Bucharest, 2002, p.1029-1030.

[9] See, B. Florea, "*Drept civil.Contractele speciale"*, Universul Juridic Publishing House, Bucharest, 2013, p.203.

a) Is a named contract. In Book V ("Despre obligatii"), Title II ("Izvoarele obligatiilor"), Chapter I ("Contractul"), Section 2 ("Diferite categorii de contracte"), art.1171-1177 of the Code civil law in force, there are different categories of contracts found in civil law.

Examination of these regulations does not result in the categorization of conventions into named or unnamed contracts.

However, art.1168 civil code ("Reguli aplicabile contractelor nenumite") refers to the circumstance that the provisions of this chapter apply to contracts not regulated by law, and if these are not sufficient, the special rules regarding the contract with which it most closely resembles.

Therefore, the unnamed contract is that convention which does not benefit from its own regulation in the civil law in force.

On the contrary, it follows that a contract has a named character if expressly regulated in the Civil Code or special laws. As a life annuity contract finds, as we have stated above, a special regulation in the current Civil Code, it means, without a doubt, that it is a named contract.

b) It is an onerous contract or free of charge. Life annuity is onerous.

On the contrary, if the debtor undertakes to pay the annuity to the director until the death of the beneficiary, without receiving anything in return, we are in the presence of a free annuity contract.

c) Is a random contract, most of the times. According to art.1173 para. (2) Civil Code, contractual is random, if by its nature or by the will of the parties offers at least one of the parties the chance of a win and exposes it at the same time to the risk of loss, both sides (chance and win) depending on a future and uncertain event.

The terms "gain" and "loss" refer to property rights and obligations.

The life annuity contract is random if it is for a fee, depending on the uncertain date of the creditor's death.

If, on the other hand, we are talking about a free life annuity contract, then we are no longer dealing with randomness. This happens because one party to such a convention enjoys a gain, while the other party suffers a loss, without that the existence of the gain or loss depend on a future and uncertain event, the latter affecting only the amount of the gain, respectively the loss.

d) Is an atypical contract with successive execution. Thus, the debtor will pay the annuity successively, while the creditor will execute its assumed obligation, *uno ictu*.

Thus, we hold the unanimous opinion of the doctrine that in order for a contract to have a typical successive character, both parties must fulfil their obligations in succession, as is the case, for example, the lease contract.

e) It is an intuitive-personae contract, because at its conclusion the person of the debtor is taken into account, who has certain qualities, among which that

inspires the confidence that he will fulfil his obligation to provide life annuity until the termination of the contract.

f) Is an irrevocable contract. This character completes the intuitive-personae character of the life annuity. In accordance with the provisions of art.2252 of the Civil Code, the debtor cannot be freed from the payment of the annuity by offering the return of the capital and renouncing the claim to be refunded the instalments paid.

The debtor is required to pay the annuity until the date of death of the person during whose life the annuity was constituted, no matter how burdensome its provision may become.

4. Absolute special nullities in the case of a life annuity contract

The current Civil Code regulates two special cases of absolute nullity of the life annuity contract. These are: a) The case when the life annuity established during the life of a third party who has already died, and b) the case when the life annuity contract established during the life of a person affected by a lethal disease.

a. *The absolute nullity of the life annuity when constituted during the life of a third party already deceased*. According to art.2246 Civil Code, the contract stipulating an annuity constituted during the life of a third party who was deceased on the day of its conclusion, is struck by absolute nullity.

This regulation gives us the opportunity to clarify.

First, let us emphasize that in order to be in the hypothesis outlined by the text of the law, the period of validity of the life annuity contract must be established during the life of a person who is not a party to the contract.

Second, the absolute nullity of the annuity also operates if the third party has the status of creditor of the annuity, deceased on the day of the conclusion of the contract.

Third, for the absolute nullity of the annuity to operate, the death of the third party must have taken place before the time of conclusion of the contract. This condition results from the wording of the regulation adopted by the legislator, which requires that the third party be deceased on the day of conclusion of the contract.

Fourth, we agree with the doctrinal opinion which considers that the previous regulation (Civil Code of 1864), which sanctioned with absolute nullity the contract of "annuity for life" established in favour of a person who was already deceased "at the time of the contract" (art. 1644), was a clearer solution than the regulations in force.

In the current Civil Code, the phrase "the day of concluding the contract" is used, and in the previous one the expression "the moment of concluding the contract".

If, on the same day as the conclusion of the life annuity contract, the death of the third party during the life of the annuity were established, there is no doubt that the previous regulation, which used the term "moment" of the contract, makes it easier to establish, by any means of proof. If the third party was alive when the contract was concluded, than the expression in the current regulation, namely the one referring to the "day" of the conclusion of the contract.

Fifth, if the annuity was constituted during the life of several third parties, of which only one was deceased at the time of concluding the contract, the absolute nullity regulated by art.2246 Civil Code, no longer applies. In such a case, unless otherwise stipulated, the life annuity contract shall remain valid until the date on which the last of the designated third parties dies.

b. The absolute nullity of the life annuity when constituted during the life of a person affected by a lethal disease. In accordance with the provisions of art.2247 of the Civil Code, the contract by which an annuity was established for a fee, during the life of a person who, at the date of concluding the contract, suffered from an illness due to which he died within a maximum of 30 days from this date, does not produce any effect.

It is another special case of absolute nullity of the life annuity contract, which, in turn, involves some emphasis.

First, let us note that in order for the sanction of absolute nullity to apply, it is necessary for the annuity to be constituted for consideration.

Second, at the time of concluding the contract, the person during whose lifetime the period of validity of the life annuity has been established must suffer from an illness.

Third, it is required that the illness suffered by the person concerned when determining the duration of the contract be the cause of his death.

On the contrary, if the death was not caused by that illness, but by, for example, another illness, which arose after the conclusion of the contract, then the absolute nullity of that life annuity no longer, applies.

Fourth, in order for this case of absolute nullity to occur, the death of that person must take place within a maximum of 30 days from the date of conclusion of the contract.

Fifth, if the life annuity was established during the life of several persons, and only one or some of them die under the conditions mentioned in the text of the law, the contract remains valid as long as at least one of those persons is alive after 30 days from the date of conclusion of the contract.

5. Conclusions

The current regulation of the life annuity contract has created an opportunity for us to try to examine some legal institutions related to this matter and for their correct application.

EU AI Act and its Possible Implications for Arbitration

Cristina Ioana FLORESCU[*]

Abstract

This scientific paperwork on the topic of EU AI Act and its Possible Implications for Arbitration is based on an extensive analysis of both the EU AI Act and the field of arbitration. The present paper is particularly focusing on the potential effects of artificial intelligence (AI) regulation on this area of law.

The objective of this paper is to explore how the EU AI Act, particularly its provisions on high-risk AI systems, may affect arbitration processes. Arbitration, traditionally characterized by its flexibility and adaptability, stands to undergo substantial change as AI technologies become more prevalent. However, the introduction of stringent AI regulations under the EU AI Act may introduce new challenges for arbitration institutions and practitioners, who must balance the benefits of AI with the regulatory burdens imposed by the new law.

This paper will examine several key issues, including how the EU AI Act's risk classification system might impact the deployment of AI in arbitration, the legal and ethical challenges arising from AI-assisted arbitration, and how arbitration institutions may adapt to comply with the Act's provisions. It will also address the broader implications for fairness, transparency, and human oversight in AI-assisted arbitration decisions.

Keywords: *EU AI Act, arbitration, high-risk classification, ethical challenges*

Brief Preamble

Artificial intelligence (AI) has emerged as a revolutionary force across various sectors, including the legal field. In recent years, AI-powered tools have become integral to improving efficiency in legal processes, especially in areas such as document review, legal research, and even decision-making. Arbitration, as an alternative dispute resolution (ADR) mechanism, is no exception to this trend. The integration of AI into arbitration could significantly streamline the process by reducing human error, cutting costs, and making decisions based on vast amounts of data in real-time.

The objective of the paper seeks to analyze the possible implications of the EU AI Act for arbitration. Specifically, it will explore how the Act's provisions, particularly concerning high-risk AI systems and transparency requirements, may shape the future of AI-driven arbitration processes. It will also assess the challenges and opportunities that arise from the intersection of AI regulation and

[*] *Conf. univ. Dr.*

arbitration, offering insights into how policymakers and arbitration institutions can ensure compliance while embracing innovation.

The structure of the paper contains the following ideas:

1. **Introduction**
   - **Introduction to AI in Legal Systems**: Overview of how AI is being integrated into various legal frameworks and its potential for enhancing efficiency.
   - **EU AI Act Overview**: Introduction to the EU AI Act, its scope, and its importance as one of the first comprehensive regulations on AI in the world.
   - **Objective of the Paper**: Understanding how the EU AI Act could impact arbitration processes and practices.
2. **The EU AI Act**
   - **History and Background**: Discussion of why the EU proposed this legislation and its timeline of development.
   - **Key Provisions**: Explain the high-risk AI classification, the legal obligations of AI providers, risk management, and transparency measures.
   - **Scope of Application**: How the EU AI Act applies to AI systems used within the EU, regardless of where the provider is located, and its implications for various sectors.
3. **AI in Arbitration**
   - **The Role of AI in Arbitration**: Overview of AI's current and potential future applications in arbitration processes, such as document review, decision-making, and case analysis.
   - **Advantages and Challenges**: AI's potential for improving efficiency, reducing costs, and increasing fairness; challenges include transparency, accountability, and bias in decision-making.
   - **Current Legal and Ethical Issues**: Overview of the ethical dilemmas and legal challenges that arise with AI in the context of arbitration.
4. **Possible Implications of the EU AI Act for Arbitration**
   - **Impact on High-Risk AI Systems in Arbitration**: Analysis of the EU AI Act's classification of high-risk AI systems and how this might affect AI tools used in arbitration.
   - **Regulatory Requirements**: Obligations related to risk assessment, transparency, and human oversight, and their possible impact on AI-driven arbitration procedures.
   - **Bias, Transparency, and Accountability**: How the requirements of the EU AI Act could address concerns about bias, fairness, and transparency in AI-assisted arbitration decisions.

- **Compliance Issues for Arbitration Providers**: Challenges for arbitration institutions and AI providers in complying with the requirements of the EU AI Act.

5. **Ethical and Procedural Impacts**
- **Changes in Arbitrator Roles**: How AI systems might shift the roles and responsibilities of arbitrators, with a focus on ethics, neutrality, and the principle of autonomy in decision-making.
- **Data Privacy and Security**: Discussion of how the EU AI Act's focus on data protection might intersect with arbitration, especially in cross-border cases.
- **Human Oversight in AI Systems**: The requirement for human oversight in AI decision-making processes and how this could affect arbitration outcomes and procedures.

6. **Challenges and Opportunities for the Future**
- **Legal Uncertainty**: Discussion of the legal uncertainties surrounding the application of the EU AI Act in arbitration, particularly in international disputes.
- **Potential for Innovation**: How the AI Act might encourage the development of innovative, compliant AI systems in arbitration, leading to more effective dispute resolution mechanisms.
- **Cross-Border Issues**: Consideration of how the EU AI Act might influence international arbitration outside the EU.

7. **Conclusion**
- **Summary of Key Findings**: Recap the main points discussed regarding the EU AI Act's potential impact on arbitration.
- **Future Considerations**: How future amendments to the EU AI Act, AI development, and arbitration practices might further intersect.
- **Policy Recommendations**: Propose steps for policymakers, arbitration institutions, and AI developers to ensure that arbitration benefits from AI while remaining compliant with EU regulations.

1. Introduction

Introduction to AI in Legal Systems

Artificial intelligence (AI) is transforming legal systems worldwide by offering new opportunities for efficiency and decision-making. The legal sector, traditionally slow to adopt new technologies, has recently seen an increase in AI-powered tools designed to streamline various processes. These range from document review and legal research to predicting case outcomes and assisting in judicial decisions. Arbitration, as a form of alternative dispute resolution (ADR), stands to benefit significantly from AI technologies. By reducing time and cost,

automating mundane tasks, and making use of large datasets to analyze case trends, AI promises to revolutionize arbitration proceedings.[1]

However, the growing reliance on AI in legal systems, particularly in arbitration, raises several critical legal and ethical concerns. Questions of fairness, transparency, accountability, and ethical implications emerge when AI is tasked with making or influencing critical decisions. The integration of AI into legal frameworks brings unique challenges, particularly when applied to decision-making processes like arbitration. Issues such as transparency in AI algorithms, fairness in decision-making, and accountability in case of errors must be addressed for AI to be fully integrated into arbitration practices. Additionally, the opaque nature of many AI algorithms, often referred to as "black-box AI", raises concerns about the validity and transparency of decisions reached through AI assistance in arbitration cases. These concerns necessitate a legal and regulatory framework to ensure that the use of AI remains aligned with fundamental legal principles and human rights. As a result, many countries and regions, including the European Union (EU), have recognized the need to regulate AI.[2]

EU AI Act Overview

The European Union has taken a significant step towards regulating AI technologies through the proposed EU AI Act, introduced in April 2021. This legislation represents one of the most comprehensive attempts globally to

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[1] https://unu.edu/article/ai-and-law-navigating-future-together; https://www.researchgate.net/publication/372790308_The_Role_of_AI_Technology_for_Legal_Research_and_Decision_Making; https://www.researchgate.net/publication/372343835_Artificial_intelligences_effects_On_the_legal_sector_transforming_Legal_practice;
https://4legalenglish.com/law-in-practice/the-rise-of-ai-in-law/;
https://www.sciencedirect.com/science/article/pii/S0160791X23000374;
https://www.mdpi.com/2071-1050/16/5/1790;
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10744168/;
https://www.lse.ac.uk/law/Assets/Documents/news/AI-in-Law-the-Legal-Profession-Industry-Insights-Report.pdf.

[2] https://arbitrationblog.kluwerarbitration.com/2024/03/17/navigating-the-main-impacts-of-artificial-intelligence-in-international-arbitration-insights-from-the-icc-yaaf-workshop/.

regulate AI and ensure its ethical, safe, and transparent deployment across various sectors. The EU AI Act takes a risk-based approach to regulating AI systems, classifying them into four categories based on the potential harm they may cause: prohibited, high-risk, limited-risk, and minimal-risk AI systems. Of particular relevance to arbitration are high-risk AI systems, which include those that may influence individuals' legal rights or obligations.[3]

The European Union's Artificial Intelligence Act (EU AI Act) which was adopted on 13.03.2024 introduces a comprehensive legal framework for AI, with significant implications for corporate governance. This policy paper delves into the EU AI Act's impact on company and corporate governance law, outlining the responsibilities it places on businesses, the governance structures it necessitates, and strategies for compliance.

The EU AI Act sets a precedent for the legal treatment of AI technologies, emphasizing risk management, transparency, and accountability. Companies operating within the EU must navigate these new regulations, integrating them into their corporate governance strategies to ensure compliance and promote ethical AI use.[4]

The European Union has taken a significant step towards regulating AI technologies through the proposed EU AI Act, introduced in April 2021. This legislation represents one of the most comprehensive attempts globally to regulate AI and ensure its ethical, safe, and transparent deployment across various sectors. This act classifies AI systems based on their level of risk, with particular focus on high-risk AI applications that might affect fundamental rights and safety. As the use of AI continues to expand, it is essential to explore how this legislative framework will influence sectors like arbitration, which are increasingly relying on these technologies.[5]

The EU AI Act imposes strict obligations on the providers of high-risk AI systems, including requirements for transparency, data quality, documentation, human oversight, and risk management. The Act also establishes guidelines for ensuring that AI systems used in sensitive contexts—such as law and justice—do not violate fundamental rights or disproportionately harm individuals. This regulation has profound implications for arbitration, particularly for cases

[3] https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai; https://artificialintelligenceact.eu/high-level-summary/; https://www.euaiact.com/key-issue/3.

[4] https://www.linkedin.com/pulse/policy-paper-eu-ai-act-implications-corporate-katharina-miller-fdnve/.

[5] https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence;
https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai; The AI Act – EU's First Artificial Intelligence Regulation (Detail) – Kinstellar.

involving AI-assisted decision-making and automated processes that affect parties' legal positions.[6]

2. The EU AI Act

History and Background

The development of the EU AI Act is grounded in the European Union's broader strategy to become a global leader in AI while safeguarding fundamental rights. In April 2021, the European Commission unveiled its ambitious AI regulatory framework to establish a legal environment for trustworthy AI. This move is part of a broader Digital Strategy aimed at boosting innovation while addressing the risks associated with emerging technologies.[7]

One of the driving forces behind the Act was the growing recognition that AI technologies, while beneficial, pose significant risks to fundamental rights, consumer safety, and democratic principles. The EU's desire to establish a "human-centric" approach to AI, in which the technology is developed and deployed in a manner that respects human rights, has shaped the entire legislative effort. The EU AI Act marks a significant step toward harmonizing AI regulation across all member states, ensuring that companies operating in the EU follow the same standards.[8]

Key Provisions

The EU AI Act takes a risk-based approach,[9] classifying AI systems into four categories: prohibited, high-risk, limited-risk, and minimal-risk. The prohibited category includes AI systems that are deemed to pose an unacceptable risk to fundamental rights. These include AI systems that use subliminal techniques to manipulate behavior, exploit vulnerabilities, or implement mass surveillance.[10]

The high-risk category, which is particularly relevant to arbitration, encompasses AI systems that may affect people's rights and safety. AI tools used in critical infrastructure, education, law enforcement, and administration of justice—including arbitration—fall within this category. High-risk AI systems

[6] https://assets.kpmg.com/content/dam/kpmg/xx/pdf/2024/02/decoding-the-eu-artificial-intelligence-act.pdf.

[7] https://www.tandfonline.com/doi/full/10.1080/07036337.2024.2377200; https://www.kinstellar.com/news-and-insights/detail/2577/the-ai-act-eus-first-artificial-intelligence-regulation; https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai.

[8] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021DC0205; https://www.europeanpapers.eu/en/europeanforum/human-centric-perspective-regulation-artificial-intelligence; https://www.sciencedirect.com/science/article/pii/S0267364924000517.

[9] https://competitionlawblog.kluwercompetitionlaw.com/2023/06/02/deployers-of-high-risk-ai-systems-what-will-be-your-obligations-under-the-eu-ai-act/; https://www.fticonsulting.com/insights/fti-journal/five-points-keep-mind-before-eus-ai-act-effect.

[10] https://www.skadden.com/insights/publications/2024/06/quarterly-insights/the-eu-ai-act-what-businesses-need-to-know; https://artificialintelligenceact.eu/high-level-summary/.

are subject to stringent requirements regarding transparency, risk management, accountability, and human oversight.[11]

Providers of high-risk AI systems must perform comprehensive risk assessments, ensure the accuracy and quality of datasets used for training AI models, and provide clear documentation about how the AI system operates. They must also implement mechanisms for human oversight, ensuring that the final decision rests with human arbitrators, not AI.[12]

Scope of Application

The EU AI Act applies to AI systems both within the EU and outside, if the system affects EU residents. This extraterritorial approach ensures that any company, regardless of location, must comply with the Act if its AI system is used within the EU. This provision is critical for arbitration because many AI developers and arbitration institutions operate internationally. Companies providing AI systems for arbitration must comply with EU requirements when handling cases involving EU citizens or companies.[13]

3. AI in Arbitration

The Role of AI in Arbitration

The role of AI in arbitration[14] is expanding, from assisting in procedural tasks to enhancing decision-making processes. AI tools are currently used in various aspects of arbitration, such as document review, legal research, and even case management.[15] For instance, AI-powered systems can rapidly sort through

[11] https://www.pinsentmasons.com/out-law/guides/guide-to-high-risk-ai-systems-under-the-eu-ai-act; https://www.fticonsulting.com/insights/fti-journal/four-risks-eus-artificial-intelligence-act; https://www.dataguidance.com/opinion/eu-mitigating-risks-eus-high-risk-ai-systems; https://mediate.com/ai-regulations-mediators-and-arbitrators/; https://www.pillsburylaw.com/en/news-and-insights/eu-ai-act.html; https://www.dechert.com/knowledge/onpoint/2024/5/the-eu-ai-act--an-overview.html; https://www.mccarter.com/insights/ai-in-critical-infrastructure-markets-are-smart-systems-ai-the-eu-ai-act-says-it-maybe/.

[12] https://artificialintelligenceact.eu/high-level-summary/; https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021PC0206&from=ES; https://www.saidot.ai/introduction-to-the-eu-ai-act-practical-guide-to-governance-compliance-and-regulatory-guidelines.

[13] https://www.ey.com/content/dam/ey-unified-site/ey-com/en-gl/insights/public-policy/documents/ey-gl-eu-ai-act-07-2024.pdf; https://www.osano.com/articles/eu-ai-act.

[14] https://www.lexology.com/library/detail.aspx?g=53ce30e1-ba93-4fa9-885a-91f094116abc; https://www.lexology.com/library/detail.aspx?g=f8368f79-4529-4a15-bca5-75bd737dd871; https://www.lexology.com/library/detail.aspx?g=0f9ce6a8-b1f8-4231-94ea-5acbf88d67e2; https://www.clydeco.com/en/insights/2024/01/ai-and-arbitration-the-perspective-from-england-wa; https://globalarbitrationreview.com/review/the-european-arbitration-review/2024/article/technology-disputes-and-arbitration.

[15] https://www.ibanet.org/tchnology-and-artificial-intelligence-reengineering-arbitration-in-the-new-world; https://arbitrationblog.kluwerarbitration.com/2024/05/08/are-arbitral-institutions-us

vast quantities of legal documents to identify relevant precedents, agreements, and procedural norms, significantly reducing the workload of arbitrators.[16]

Furthermore, AI can be employed in predictive analytics, helping parties and arbitrators predict the likely outcome of disputes based on historical case data. Such systems leverage machine learning algorithms to provide probabilistic assessments of how similar disputes have been resolved. In addition to its efficiency benefits, AI in arbitration offers the potential for enhanced fairness by minimizing human error and biases.[17]

Advantages and Challenges

The advantages of AI in arbitration are clear: reduced time and cost, improved decision-making, and greater consistency across similar cases. However, AI's integration also raises significant challenges. The lack of transparency, particularly with regard to how AI systems reach decisions, is one of the most pressing issues. AI decision-making processes often operate as "black boxes", with users unable to discern how algorithms weigh different factors.[18]

Moreover, AI systems can perpetuate biases present in the data used to train them, raising concerns about the fairness of decisions influenced by AI. Without proper safeguards, AI systems might exacerbate existing biases in arbitration, such as gender, racial, or socioeconomic biases. Ethical considerations also play a role, particularly concerning whether AI systems should ever have a decisive role in dispute resolution.[19]

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ing-artificial-intelligence-the-state-of-play-in-adopting-ai/; https://www.linkedin.com/pulse/ai-international-arbitration-reforming-justice-neil-sahota-23nsc/; https://ncia.or.ke/wp-content/uploads/2021/08/ARTIFICIAL-INTELLIGENCE-AI-IN-INTERNATIONAL-ARBITRATION.pdf; https://www.dlapiper.com/en/insights/publications/arbitration-matters/2023/ia-meets-ai-rise-of-the-machines; https://www.freshfields.com/en-gb/our-thinking/campaigns/international-arbitration-in-2024/generative-ai-opportunities-and-risks-in-arbitration/.

[16] www.zhukov.live/ai-for-lawyers-artificial-intelligence-for-modern-legal-practices-1758cbc89abd; https://www.biicl.org/documents/170_use_of_artificial_intelligence_in_legal_practice_final.pdf; https://www.the-jurist.com/article/ai-in-arbitration-a-technological-development-towards-a-better-dispute-resolution.

[17] https://www.cambridge.org/core/books/abs/cambridge-handbook-of-private-law-and-artificial-intelligence/commercial-dispute-resolution-and-ai/BF1BDEBB3D020F9B87CD720C82634993; https://www.linkedin.com/pulse/does-ai-help-fair-speedy-comprehensive-arbitration-velagapudi/; https://www.researchgate.net/publication/245282373_Predicting_the_Outcome_of_Construction_Litigation_Using_an_Integrated_Artificial_Intelligence_Model.

[18] https://investmentlaw.adjuris.ro/articole/An3v2/5.%20Maria%20Mimoso.pdf; https://intapi.sciendo.com/pdf/10.2478/vjls-2023-0001.

[19] https://covisian.com/tech-post/ai-biases-explained-learn-more-about-them/; https://hbr.org/2019/10/what-do-we-do-about-the-biases-in-ai; https://www.mdpi.com/2413-4155/6/1/3; https://www.researchgate.net/publication/375744287_Artificial_Intelligence_and_Ethics_A_Comprehensive_Review_of_Bias_Mitigation_Transparency_and_Accountability_in_AI_Systems.

Current Legal and Ethical Issues

The use of AI in arbitration is fraught with legal and ethical issues, especially regarding accountability. When AI is used to influence arbitration decisions, who is accountable if the system fails or produces a biased result?[20] The opacity of AI algorithms complicates these questions, as it is difficult to pinpoint the source of errors. Furthermore, ethical concerns about AI's role in decision-making arise from the tension between technological efficiency and the fundamental human right to a fair trial.[21]

4. Possible Implications of the EU AI Act for Arbitration

Impact on High-Risk AI Systems in Arbitration

One of the most significant implications of the EU AI Act for arbitration lies in its classification of high-risk AI systems. Given that arbitration often deals with disputes involving significant rights, such as contract enforcement and international trade, AI tools used in these settings will likely be classified as high-risk.[22] This classification means that AI systems in arbitration will be subject to stringent regulations under the EU AI Act.

High-risk systems must meet several requirements, such as robust risk assessments and human oversight mechanisms, which may limit the use of fully autonomous AI systems in arbitration.[23] Although AI could assist in decision-making, it will not be able to replace arbitrators entirely.[24] This regulatory framework could temper the enthusiasm for AI's role in arbitration by imposing additional compliance costs and procedural inconveniences and obligations.

Regulatory Requirements

The regulatory requirements under the EU AI Act, particularly the obligations regarding transparency and human oversight, will directly affect the use of AI in arbitration. AI systems must be transparent, meaning that the rationale behind their decisions should be explainable.[25] This requirement addresses one of the key challenges of AI in arbitration: the opacity of decision-making algorithms.

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[20] https://emerge.digital/resources/ai-accountability-whos-responsible-when-ai-goes-wrong/.

[21] https://moritzlaw.osu.edu/sites/default/files/2022-08/11-%20Waqar%20Publication%20Final%20343-366.pdf.

[22] https://arbitrationblog.kluwerarbitration.com/2024/05/27/we-need-to-talk-about-the-eu-ai-act/.

[23] https://www.wilmerhale.com/en/insights/blogs/wilmerhale-privacy-and-cybersecurity-law/20240717-what-are-highrisk-ai-systems-within-the-meaning-of-the-eus-ai-act-and-what-requirements-apply-to-them

[24] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021PC0206&from=ES.

[25] https://www.techtarget.com/searchcio/tip/AI-transparency-What-is-it-and-why-do-we-need-it; https://www.globalarbitrationnews.com/2024/05/15/the-new-guidelines-on-the-use-of-artificial-intelligence-in-arbitration-background-and-essential-aspects/.

Additionally, human oversight will be crucial in ensuring that arbitrators, not AI systems, are ultimately responsible for arbitration outcomes. Arbitrators may rely on AI for assistance, but they will be required to understand and critically assess the recommendations provided by AI tools, ensuring that they remain in control of the decision-making process.[26]

Bias, Transparency, and Accountability

The EU AI Act addresses concerns about bias, transparency, and accountability in AI systems, which are particularly relevant to arbitration. By imposing requirements for data quality and accuracy, the Act aims to reduce the risk of biased outcomes. In arbitration, where the integrity of decisions is paramount, these requirements could help mitigate concerns about AI's potential to exacerbate biases.

However, arbitration institutions will face challenges in ensuring that AI systems used in their processes are compliant with these new standards. Transparency and accountability will require significant adjustments, particularly in cases where arbitration proceedings are confidential or involve complex technical issues.[27]

Compliance Issues for Arbitration Providers

Arbitration providers, particularly those operating on an international scale, will need to develop robust compliance strategies to align with the EU AI Act. These strategies may involve investing in new AI technologies that meet the Act's transparency and human oversight requirements or developing training programs for arbitrators to ensure they can effectively oversee AI-assisted processes. Providers will also need to consider the financial and operational implications of compliance, as failure to adhere to the EU AI Act could result in substantial fines and reputational damage.[28]

5. Ethical and Procedural Impacts

Changes in Arbitrator Roles

The EU AI Act, particularly its provisions for high-risk AI systems, will likely transform the role of arbitrators in several keyways.[29] Historically, arbitrators have exercised significant autonomy in resolving disputes, with

[26] https://www.linkedin.com/pulse/ai-international-arbitration-reforming-justice-neil-sahota-23nsc/; https://www.charlesrussellspeechlys.com/en/insights/expert-insights/dispute-resolution/2024/harnessing-technology-embracing-ais-potential-in-arbitration/; https://www.thearbitrationworkshop.com/post/modernizing-arbitration-in-india-integrating-ai-responsibly.

[27] https://svamc.org/wp-content/uploads/SVAMC-AI-Guidelines-First-Edition.pdf.

[28] https://assets.kpmg.com/content/dam/kpmg/xx/pdf/2024/02/decoding-the-eu-artificial-intelligence-act.pdf; https://mediate.com/ai-regulations-mediators-and-arbitrators/.

[29] https://www.amcham.ro/business-intelligence/the-eu-ai-act-whose-impact-will-be-greater-than-the-one-of-gdpr-has-just-been-published-in-the-official-journal.-when-does-it-enter-into-force-and-what-companies-are-impacted.

minimal interference from external legal frameworks. However, the introduction of AI systems in arbitration introduces a dynamic that shifts part of this responsibility to technology,[30] particularly in procedural tasks such as document review or case management.

The role of arbitrators is evolving as AI systems are introduced into arbitration proceedings, yet the EU AI Act ensures human oversight remains central. Arbitrators will be required to familiarize themselves with AI tools, a trend already observed in many legal systems. However, the EU AI Act reinforces that arbitrators must retain the responsibility of reviewing AI-assisted decisions before finalizing any outcome, particularly in high-risk AI systems. [31] As AI becomes a more prominent part of arbitration, it is likely that the training and accreditation of arbitrators will evolve to include AI literacy.

Therefore, the EU AI Act's emphasis on human oversight ensures that arbitrators will not be replaced by AI systems, but their role is likely to evolve into one of managing and overseeing AI-assisted decisions. Arbitrators will need to understand how AI systems function, critically assess the outcomes provided by these systems, and ensure that the final arbitration decisions remain their own. This represents a significant procedural shift in arbitration, as arbitrators will be held responsible not only for their decisions but also for the proper use of AI technologies within the arbitration process.[32]

The integration of AI in arbitration could lead to enhanced decision-making capabilities.[33] For example, arbitrators may use AI tools to analyze large datasets quickly or to identify trends in similar disputes. However, the EU AI Act's focus on human intervention means that arbitrators must remain vigilant in ensuring that their decisions are not unduly influenced by AI systems. This could lead to

[30] https://open.mitchellhamline.edu/cgi/viewcontent.cgi?article=1345&context=mhlr.
[31] https://www.euaiact.com/key-issue/4.
[32] https://iccwbo.org/wp-content/uploads/sites/3/2022/02/icc-arbitration-and-adr-commission-report-on-leveraging-technology-for-fair-effective-and-efficient-international-arbitration-proceedings.pdf; https://arbitrationblog.kluwerarbitration.com/2024/03/17/navigating-the-main-impacts-of-artificial-intelligence-in-international-arbitration-insights-from-the-icc-yaaf-workshop/; https://www.dlapiper.com/en/insights/publications/arbitration-matters/2023/ia-meets-ai-rise-of-the-machines; https://www.globalarbitrationnews.com/2024/05/15/the-new-guidelines-on-the-use-of-artificial-intelligence-in-arbitration-background-and-essential-aspects/;
[33] https://www.ibanet.org/tchnology-and-artificial-intelligence-reengineering-arbitration-in-the-new-world; https://www.the-jurist.com/article/ai-in-arbitration-a-technological-development-towards-a-better-dispute-resolution; https://www.uria.com/en/publicaciones/8501-artificial-intelligence-and-international-arbitration-uses-and-challenge; https://www.4-5.co.uk/assets/documents/artificial-intellegence---international-arbitration-at-4-5-gis.pdf; https://adric.ca/artificial-intelligence-and-arbitration-a-perfect-fit/; https://www.linkedin.com/pulse/role-ai-dispute-resolution-transforming-mediation-arbitration/.

increased training and expertise required for arbitrators who operate within the EU's regulatory framework[34].

Data Privacy and Security

One of the most critical intersections between AI in arbitration and the EU AI Act is in the realm of data privacy and security.[35] Data privacy is a critical issue in the use of AI systems, particularly under the General Data Protection Regulation (GDPR), which already governs personal data within the EU. The EU AI Act, while not a replacement for the GDPR, builds on its provisions, ensuring that AI systems in arbitration safeguard sensitive information. Arbitration proceedings often involve sensitive data, including confidential business information, personal data of the parties, and trade secrets, making compliance with data protection laws essential. The EU AI Act imposes stringent obligations on AI systems that handle such data, particularly those classified as high-risk.[36]

The General Data Protection Regulation (GDPR) already provides a robust framework for protecting personal data in the EU, but the AI Act builds on these protections by imposing additional requirements on AI systems that process sensitive data. AI tools used in arbitration must ensure that any data they handle complies with both GDPR and the AI Act's provisions on transparency and accountability.

In practice, this means that arbitration institutions will need to implement strict data security measures when using AI tools in their proceedings.[37] This could include ensuring that AI systems do not retain unnecessary data after arbitration is complete, maintaining clear documentation of how data is processed, and providing parties with the ability to access or correct their data if needed. The intersection of the EU AI Act with existing privacy regulations ensures that data privacy remains a priority in AI-assisted arbitration,[38] which is particularly important given the often-sensitive nature of arbitration disputes.

Human Oversight in AI Systems

[34]https://www.viac.eu/images/COVID19/CIArb_Framework_Guideline_on_the_Use_of_Technology_in_International_Arbitration.pdf.

[35] https://privacymatters.dlapiper.com/2024/04/europe-the-eu-ai-acts-relationship-with-data-protection-law-key-takeaways/;
https://www.dataguidance.com/opinion/international-interplay-between-ai-act-and-gdpr-ai.

[36] https://www.deloitte.com/lu/en/Industries/investment-management/perspectives/european-artificial-intelligence-act-adopted-parliament.html;
https://www.stibbe.com/publications-and-insights/the-eu-artificial-intelligence-act-our-16-key-takeaways.

[37] https://arbitrationblog.kluwerarbitration.com/2024/05/08/are-arbitral-institutions-using-artificial-intelligence-the-state-of-play-in-adopting-ai/.

[38] https://www.compact.nl/articles/understanding-intersection-between-eus-ai-act-and-privacy-compliance/; https://www.dataguidance.com/opinion/international-interplay-between-ai-act-and-gdpr-ai.

The EU AI Act mandates human oversight for high-risk AI systems, and this requirement has profound implications for arbitration.[39] The risk-based classification system of the Act classifies many AI systems used in legal processes, including arbitration, as high-risk, demanding rigorous monitoring by arbitrators. As mentioned, AI systems in arbitration cannot function autonomously under the Act; there must always be a human element in decision-making. This provision seeks to address one of the most significant concerns with AI in legal processes: the potential for AI to make unfair or biased decisions without human intervention.[40] This ensures that arbitrators remain actively involved, avoiding the pitfalls of black-box AI decision-making, where the rationale behind AI-driven decisions might not be transparent to the parties.

For arbitration, this means that while AI systems may assist in analyzing evidence, predicting outcomes, or managing procedural tasks, the final decision must always be reviewed and made by human arbitrators. This requirement aligns with the traditional legal principle of party autonomy in arbitration, ensuring that the parties retain control over the process and outcome of the arbitration, even in an AI-assisted setting.[41]

Furthermore, human oversight serves as a safeguard against the potential for AI bias or errors. As AI systems rely on large datasets to make predictions or analyze trends, any inherent biases in the data can lead to biased outcomes in arbitration. The EU AI Act's oversight requirement ensures that arbitrators have the ability to review AI-generated outcomes critically and correct any errors or biases before reaching a final decision.[42]

6. Challenges and Opportunities for the Future

Legal Uncertainty

Legal uncertainty is one of the most significant challenges arbitration providers faces in implementing the EU AI Act, particularly when handling cross-border disputes. Given that arbitration is often an international affair, AI systems that operate across jurisdictions must comply with both EU regulations and local laws. This dual compliance requirement creates significant legal complexities, especially in jurisdictions where AI regulation is less developed or non-existent.

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[39] https://scholarship.law.missouri.edu/cgi/viewcontent.cgi?article=1890&context=jdr; https://www.globalarbitrationnews.com/2024/05/15/the-new-guidelines-on-the-use-of-artificial-intelligence-in-arbitration-background-and-essential-aspects/.

[40] https://hbr.org/2022/09/ai-isnt-ready-to-make-unsupervised-decisions; https://www.mckinsey.com/featured-insights/artificial-intelligence/tackling-bias-in-artificial-intelligence-and-in-humans; https://policy-lab.ec.europa.eu/news/fair-decision-making-can-humans-save-us-biased-ai-2024-03-22_en; https://www2.deloitte.com/us/en/pages/public-sector/articles/artificial-intelligence-bias.html.

[41] https://www.iareporter.com/wp-content/uploads/2023/08/SVAMC-AI-Guidelines.pdf.

[42] https://link.springer.com/article/10.1007/s44163-024-00121-8.

The introduction of the EU AI Act brings about several uncertainties, particularly for arbitration providers who operate on a global scale. One of the key challenges lies in navigating the complex legal landscape that emerges from the intersection of AI regulation and international arbitration. While the EU AI Act provides clear guidelines for AI systems used within the EU, the global nature of arbitration means that AI systems often cross jurisdictions. Providers and arbitrators will need to carefully consider how to reconcile these overlapping legal frameworks.[43]

International arbitration, by its nature, involves parties from multiple jurisdictions, and the legal frameworks governing the arbitration can vary significantly. Arbitration providers may face challenges in complying with the EU AI Act when their AI systems are used outside of the EU. This creates a legal grey area in terms of jurisdiction, as the Act's extraterritorial application may conflict with local laws governing AI in other regions.[44]

Additionally, the evolving nature of AI technology itself adds to the legal uncertainty.[45] As AI continues to develop, new ethical and legal questions will arise that may not be fully addressed by the current version of the EU AI Act. Arbitration providers and policymakers will need to stay abreast of these developments to ensure that their use of AI remains compliant with both EU and global regulatory standards.[46]

Potential for Innovation

Despite the regulatory challenges, the EU AI Act offers significant opportunities for innovation in the field of arbitration.[47] By establishing clear guidelines for the development and deployment of AI systems, the Act provides a framework that encourages the creation of new, compliant AI tools designed specifically for arbitration. These tools could be tailored to meet the specific needs of arbitration proceedings, such as streamlining procedural tasks, enhancing case analysis, or improving the efficiency of document review.[48]

The EU AI Act's focus on transparency and accountability may also drive innovation in explainable AI (XAI) technologies.[49] These AI systems are designed to provide clear, understandable explanations for the decisions they

[43] https://www.aoshearman.com/en/insights/artificial-intelligence-in-arbitration-evidentiary-issues-and-prospects.
[44] https://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=9154823&fileOId=9154824.
[45] https://www.collegesoflaw.edu/blog/2024/02/22/artificial-intelligence-law-evolution/.
[46] https://www.aoshearman.com/en/insights/artificial-intelligence-in-arbitration-evidentiary-issues-and-prospects.
[47] https://go.adr.org/rs/294-SFS-516/images/DRJ%20Journal%20Article%202024.pdf.
[48] https://link.springer.com/article/10.1007/s11196-023-10070-7.
[49] https://www.edps.europa.eu/system/files/2023-11/23-11-16_techdispatch_xai_en.pdf;https://www.sciencedirect.com/science/article/pii/S1566253523001148; https://www.researchgate.net/publication/374478583_Explainable_Artificial_Intelligence_XAI_Enhancing_Transparency_and_Trust_in_AI_Systems.

make, addressing one of the key concerns with traditional AI systems. In arbitration, where transparency and fairness are paramount, XAI systems could provide arbitrators and parties with greater insight into how AI tools reach their conclusions, leading to more informed decision-making.[50]

Moreover, the Act's emphasis on human oversight could foster the development of AI systems that work in closer collaboration with human arbitrators, rather than replacing them. This collaborative approach to AI in arbitration has the potential to improve the overall quality of arbitration decisions while ensuring that the process remains fair and transparent.[51]

Cross-Border Issues

One of the most significant challenges that the EU AI Act poses for arbitration is its potential impact on cross-border disputes.[52] Arbitration is often used to resolve international disputes involving parties from different jurisdictions, and the extraterritorial reach of the EU AI Act means that AI systems used in these cases may be subject to EU regulations even if the arbitration takes place outside of the EU. This could create conflicts between the EU AI Act and local laws governing AI in other jurisdictions, particularly in regions where AI regulation is less stringent or non-existent.

In practice, this means that arbitration providers may need to develop different compliance strategies depending on where the arbitration takes place and which parties are involved. This could lead to increased costs and complexity in managing arbitration proceedings,[53] particularly for providers that operate globally. However, it could also encourage the development of standardized, international frameworks for AI regulation in arbitration, helping to harmonize the use of AI across different jurisdictions.[54]

7. Conclusion

Summary of Key Findings

The EU AI Act represents a landmark piece of legislation that will have far-reaching implications for the use of AI in arbitration.[55] By classifying AI

[50] https://www.linkedin.com/pulse/unveiling-black-box-how-explainable-ai-makes-decisions-emmanuel-ramos-npozc/.
[51] https://www.arxiv.org/pdf/2408.11608.
[52] https://arbitrationblog.kluwerarbitration.com/2024/05/27/we-need-to-talk-about-the-eu-ai-act/.
[53] https://jusmundi.com/en/document/publication/en-techniques-for-controlling-time-and-costs-in-arbitration.
[54] https://www.globalarbitrationnews.com/2024/05/15/the-new-guidelines-on-the-use-of-artificial-intelligence-in-arbitration-background-and-essential-aspects/; https://www.gide.com/communications/0-2024/Gide_Booklet_Artificial_Intelligence_March_2024.pdf.
[55] https://www.linkedin.com/posts/professor-dr-maxi-scherer-88a141195_we-need-to-talk-about-the-eu-ai-act-activity-7200838779924840449-b78C/; https://thepaypers.com/expert-opinion/the-eu-ai-act-a-comprehensive-overview-and-its-far-reaching-implications--1268841.

systems based on their risk levels and imposing stringent requirements on high-risk systems, the Act seeks to ensure that AI technologies are deployed in a manner that is transparent, accountable, and aligned with fundamental rights. In the context of arbitration, these provisions will play a crucial role in shaping how AI is used, particularly in high-stakes cases that involve significant rights and obligations.

Future Considerations

As AI technology continues to evolve, so too will its role in arbitration.[56] While the EU AI Act provides a robust regulatory framework for AI systems used within the EU, future amendments to the Act may be necessary to address new challenges that arise from the development of more advanced AI systems. Additionally, as more jurisdictions develop their own AI regulations, the global arbitration community will need to navigate an increasingly complex legal landscape.[57]

Policy Recommendations

To ensure that arbitration institutions and AI providers comply with the EU AI Act while embracing the potential benefits of AI, several key policy recommendations[58] can be made:

- **Invest in Training**: Arbitration institutions should invest in training programs for arbitrators to ensure they have the necessary expertise to oversee AI-assisted arbitration processes.
- **Develop Compliant AI Tools**: AI developers should work closely with arbitration institutions to create AI tools that meet the transparency, accountability, and human oversight requirements of the EU AI Act.
- **Foster International Collaboration**: Policymakers should encourage international collaboration to harmonize AI regulations in arbitration, particularly for cross-border disputes.
- **Enhance Data Privacy**: Arbitration institutions should implement robust data privacy measures to ensure that AI systems used in arbitration comply with both the EU AI Act and GDPR.

In conclusion, in order to ensure compliance and embrace the opportunities presented by the EU AI Act, arbitration institutions should invest in training programs that equip arbitrators with the knowledge to effectively oversee AI systems. Developers of AI tools must prioritize transparency and accountability, aligning with the Act's provisions to create systems that work in tandem with

[56] https://www.the-jurist.com/article/ai-in-arbitration-a-technological-development-towards-a-better-dispute-resolution.
[57] https://www.freshfields.com/492fb0/globalassets/our-thinking/campaigns/international-arbitration/2024/pdfs/arbitration-top-trends-2024--english.pdf.
[58] https://arbitrationblog.kluwerarbitration.com/2024/06/07/lidw-2024-navigating-the-future-of-arbitration-with-ai-at-the-helm/; https://www.aoshearman.com/en/insights/artificial-intelligence-in-arbitration-evidentiary-issues-and-prospects.

human arbitrators. By following these recommendations, the arbitration community can ensure that it remains at the forefront of innovation while safeguarding the fundamental rights and interests of the parties involved.

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International Law vs. "Parallel Realities" of the President of the Russian Federation

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Abstract

This article provides a brief subjective analysis of the current geopolitical situation in Europe, in compliance with the provisions of international law. The authors have considered several directions of analysis, namely: socio-cultural with related economic aspects as well as legal ones, in this case international law with its moral aspects. In the context of the New World Order, the conclusions of the article are left to the audience's appreciation because the issue addressed is too complex to be concluded in a single sentence. We wish to bring to the attention of the scientific community the consequences of any type of military conflicts that may arise, especially on the moral, common international law and economic implications that may affect the populations of neighboring geographical areas over several years. The case study focuses mainly on the area of the Russian Federation and Ukraine.

Introduction

Vladimir Putin could accept Ukraine's accession to NATO, but only if the US military bases in Eastern Europe are dismantled. The United States currently has several military bases in Romania. This is the Kremlin leader's condition. The Russian president is now trying to pressure US President Donald Trump to rule out Ukraine's accession to NATO as part of any negotiations. Putin's current position is "probably" not Moscow's final position, in the context in which Donald Trump has repeatedly expressed his willingness to end the war in Ukraine. After being re-elected, Trump would have realized that it is not easy at all to negotiate with Putin. It is also worth noting that the Russian president has consistently rejected proposals to cease military actions, signaling a challenging negotiation process in the near future. However, Trump could propose a temporary freeze on the conflict by postponing Ukraine's accession to NATO. However, Putin has publicly stated that he would not accept such membership even in the long term. At the same time, Russia could accept Ukraine's accession to NATO if certain conditions are met. These include a US commitment to withdraw its military bases from Eastern European countries and a partial lifting of economic sanctions against Russia. Such concessions are intended to alleviate

* Conf. Univ. Dr.
** Ing., PhD.

the pressure on the Russian economy and satisfy the demands of influential oligarchs who want to end the sanctions. The United States currently has several military facilities in Romania, the largest being the Mihail Kogălniceanu base, which houses over 4,000 American soldiers. According to international analysts, Trump will have to accept Vladimir Putin's conditions, and the Kremlin's strategy aims to exploit the negotiations to secure long-term advantages, while presenting itself as willing to accept Ukrainian accession to NATO. Russia is accumulating forces that exceed the requirements of the current conflict in Ukraine. The Russian armed forces are able to compensate for their enormous losses in personnel and materiel on their own, as well as with the support of their partners, and are also successfully rearming. It is not certain whether Russia will launch an attack on NATO states in the coming years, but Moscow is clearly creating favorable conditions for the launch of this future offensive.

Month after month, the Russian army is acquiring more and more tanks, more ammunition, more missiles and more drones. Production is increasing, stocks in warehouses are constantly growing. Russia has an impressive number of troops and a wide range of highly effective equipment; Moscow has achieved these results despite Western sanctions. However, quality issues and dependence on foreign technology are limiting factors for Russia at present. Western foreign policy experts consider Russia's current hybrid attacks as "precursors to large-scale war", referring to espionage activities and massive attacks on IT services. NATO has strengthened its defenses against sabotage and cyberattacks, keeping an eye on the actions of Russia and China. Recently, Russia has been accused of acts of sabotage on underwater cables and pipelines in the Baltic Sea by its so-called 'ghost fleet' of obsolete tankers used to export oil, evading Western sanctions. Extremely important talks are coming between the US and Russian presidents! The Russian president has said he wants talks on peace in Ukraine and nuclear weapons. Putin, who has said he wants to ensure a long-term peace in Ukraine rather than a short ceasefire, made the comments during a meeting of the Russian Security Council. "We see the statements of the newly elected president of the United States and members of his team about the desire to restore direct contacts with Russia," Putin said. “We also hear his statement about the need to do everything possible to prevent World War III. Of course, we welcome this attitude and congratulate the president-elect of the United States of America on taking office,” Putin said.

Putin’s statement reflects cautious Russian hopes that Trump could begin to restore ties between Washington and Moscow, which have reached their lowest point since the Cuban missile crisis in 1962 due to Russia’s war in Ukraine. On the other hand, many Russian government officials have publicly said they realize that such hopes may not materialize. Putin, however, said that Russia is open to talks with the new US administration on a number of

international issues he called "key", including nuclear weapons and security, including the conflict in Ukraine.

"Long-term peace"

Trump has promised to quickly end the war in Ukraine, although he has not explained exactly how he might do so. Putin has previously said he is ready for talks, but that the conquered territories and Russia's territorial claims must be accepted, which the Ukrainian leadership has rejected as an "unacceptable capitulation." "As for resolving the situation (in Ukraine) itself, I would like to emphasize that the goal should not be a short ceasefire, not some kind of respite that would allow for a regrouping and rearming of forces, but a long-term peace based on respect for the legitimate interests of all people and all peoples living in the region," Putin said recently.

US President Donald Trump[1] has said that both his Russian counterpart Vladimir Putin and Ukrainian President Volodymyr Zelensky share the blame for the war between Russia and Ukraine. Trump, who met with Zelensky in Paris in December at the reopening of Notre-Dame Cathedral, criticized the Ukrainian president for "resisting" Russia at the beginning of the invasion, instead of reaching an agreement with the Kremlin leader. "Zelensky… he should not have allowed this to happen either. He is not an angel," Trump said. "I could have made that deal so easily, but Zelensky decided 'I want to fight,'" the US president continued, noting that Ukraine is fighting a "much bigger entity." At the same time, Trump recognized Ukraine's courage in resisting Russia and said that the Ukrainian president "has had enough" and is ready for peace. "We (the US) started providing equipment… and they (the Ukrainians) had the courage to use the equipment, but ultimately it's a war that needs to be settled," the US president said. The US president also says Putin should not have started the war. Trump suggested during the November presidential election campaign that Joe Biden and Zelensky shared blame for Russia's continued invasion and promised to broker a peace deal quickly. Trump has frequently criticized the Biden administration's support for Ukraine and boasted of his good relationship with Putin, raising concerns that he could negotiate a deal that would be unfavorable to Kiev. Recently, the US president has taken a "more critical stance toward Moscow," criticizing Putin for his unwillingness to reach an agreement and threatening economic repercussions if he does not. Putin also said that Moscow is ready to discuss nuclear arms control and broader security issues. The New Strategic Arms Reduction Treaty (New START), which limits the number of strategic nuclear warheads the United States and Russia can deploy, as well as the deployment of land-based and submarine-launched missiles and bombers to deliver them, is set to expire on February 5, 2026. It is the last remaining pillar of nuclear arms control between the world's two largest nuclear powers.

[1] The 1066th day of the Ukrainian war live text on HOTNEWS

A. Main moments of 2024 in the Russian Federation,

From the death of Alexei Navalny and the resurgence of Islamic terrorism in Russia to rising inflation and economic woes, 2024 has been a turbulent year. The conflict in Ukraine is not over, but it has surprised the Ukrainian army's offensive in the Kursk region of Putin's Russia. The "Tsar" has issued repeated threats to the West, repeated that the "red lines" have been crossed, and maintained the same belligerent attitude, with peace negotiations being just an illusion.

Moscow wants peace only on its own terms, the Ukrainians are still resisting, and above all, Putin's Russia is not giving up its intention to be an "arbitrator" in the Middle East, where the civil war in Syria has broken out and Israel is fighting the "Axis of Evil" led by Iran.

The Moscow Times has taken a look back at 2024 in Putin's Russia, presenting 6 key moments of an overall picture that becomes increasingly threatening as time goes by.

February 16, 2024. Death of Alexei Navalny,

The death of opposition leader Alexei Navalny sent shockwaves around the world. Navalny, 47, died in a maximum-security prison in the Arctic Circle, where he had been transferred less than two months earlier. Navalny – Putin's most vocal opponent – was serving a 19-year prison sentence on trumped-up charges of "extremism." Repeated arrests, prison sentences, constant harassment and even a near-fatal poisoning failed to deter Navalny. After months of recuperating in Germany, the dissident returned to Russia in January 2021 and was arrested at the airport. Alexei Navalny was known worldwide for his investigations into high-level corruption in Russia, which regularly targeted some of Russia's most famous politicians and oligarchs. These investigations, which began on a LiveJournal blog and eventually turned into feature-length animated films and drone footage, spurred mass protests. Thousands of people gathered at Navalny's funeral in Moscow, and many days later were still queuing to lay flowers at the dissident's grave.

March 22, 2024. Crocus City Hall attack,

On a night in March, four gunmen stormed Crocus City Hall, a popular concert venue just outside Moscow, before a sold-out show. The attack, which left 145 people dead and more than 500 injured, sent shockwaves through Russian society.

ISIS-K, an affiliate of the Islamic State, claimed responsibility for the attack, the worst in Russia in two decades, as Moscow lashed out at Ukraine and the West.

The suspects were arrested and taken to court with bruises and cuts on their faces. One of them was brought in on a stretcher and it was clear that he had been beaten and tortured. In total, at least 24 ropagans were arrested in connection with the attack. The ropagan deportations of migrants followed the Crocus City Hall

attack, as the suspects were from the Central Asian republic of Tajikistan. Anti-migrant sentiment has only intensified, with the government passing a series of anti-migrant laws.

June 23, 2024. Dagestan attacks,

Gunmen attacked Orthodox churches and synagogues in Russia's predominantly Muslim republic of Dagestan. The gunmen launched simultaneous attacks in Dagestan's largest city, Makhachkala, and the coastal city of Derbent. Seventeen police officers and five civilians were ultimately killed in the attacks. The news agencies quoted a law enforcement source as saying that "the gunmen who carried out the attacks in Makhachkala and Derbent are supporters of an international terrorist organization," but did not specify the organization. Many of the attackers were relatives of the head of Dagestan's Sergokalinsky district, Magomed Omarov, who was immediately dismissed from his post. Another attacker was Gadzhimurad Kagirov, a freestyle fighter who previously represented the Eagles MMA club, co-founded by former UFC champion Khabib Nurmagomedov, a native of Makhachkala. "I think the biggest conclusion from analyzing the profiles of the shooters is that the radicalization group has grown enormously, and the Russian authorities have a lot of problems," Harold Chambers, an analyst who focuses on nationalism, conflict and security in the North Caucasus, told The Moscow Times. Following these attacks, Dagestan went so far as to temporarily ban the niqab, a veil worn by some Muslim women.

August 1, 2024. Russia-West prisoner swap,

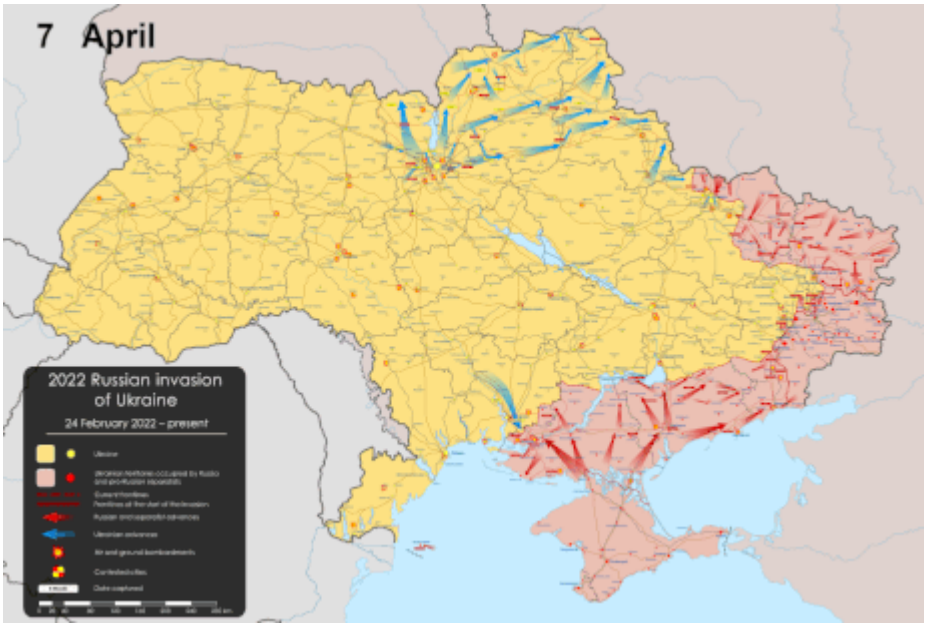
After months of multilateral negotiations, Russia and the West carried out the largest prisoner swap since the Cold War, at an airport in Ankara, Turkey. Russia released 16 prisoners, while the West released eight. When everything was sorted out, Russia released dissidents such as journalist Alsu Kurmasheva, opposition leaders Vladimir Kara-Murza and Ilya Yashin, Navalny deputies Ksenia Fadeeva and Lilya Chanysheva, artist Sasha Skochilenko and others, in addition to American journalist Evan Gershkovich and former Marine Paul Whelan. Russia recovered criminal Vadim Krasikov, FSB officer, a family of "illegals" residing in Slovenia, businessman Vladislav Klyushin and others. Vadim Krasikov is an assassin who served in Vympel, a unit of the FSB Spetsnaz Center, and was later identified as the perpetrator of several contract killings, including the murders of businessman Alexander Kozlov in Karelia in 2007, businessman Albert Nazranov in Moscow in 2015, and Chechen refugee Zelimkhan Khangoshvil in Berlin in 2019. US National Security Advisor Jake Sullivan said that Alexei Navalny, who died in a Russian prison in February, should have been included instead.

August 6, 2024. Ukrainian Kursk Offensive,

Ukraine took Russia and the international community by surprise when it sent troops into Russia's Kursk region on August 6. The next day, President

Volodymyr Zelensky announced that Ukraine now controlled 1,250 square kilometers (nearly 500 square miles) of Russian territory. According to Zelensky, the Ukrainian military's cross-border incursion was made to create a "buffer zone" and prevent further Russian attacks. In September, the governor of the Kursk region announced that Russia had evacuated more than 150,000 civilians from Kiev-held territory and neighboring areas. Many now believe that Ukraine wants the territory to be used as bargaining chip in potential peace negotiations with Russia.

The Ukrainian offensive in Kursk eventually led to the announcement that North Korea was to send 10,000 troops to Russia to help fight the war. Many of these troops ended up in the Kursk region. On December 18, a US official claimed that North Korean troops had lost "several hundred" soldiers in Kursk. Ukraine still holds territory in the Kursk region, despite attacks by the Russian military.



Map of the Russian invasion from April 7, 2022,

B. Why does V. Putin regret Jacques Chirac, Helmut Kohl and Berlusconi?

Vladimir Putin relatively recently addressed journalists (December 19, 2024), and appeared confident in himself, confident in his “historic” mission and his ability to end the war in Ukraine. But this, of course, on the Kremlin’s terms. The image offered by Putin is that of a lonely leader, who believes, however, that only he holds the absolute truth. Europe is weak, it is at the mercy of the US, Ukraine is already defeated, Russia holds all the advantages on the battlefield. At

the same time, however, Vladimir Putin has proven to be skeptical about the prospects of an agreement with the US President-elect, Donald Trump. The long-awaited rotation of the Western elite, which is exemplified by Donald Trump, has not led – at least so far – the West to adopt a more pragmatic approach to the war in Ukraine and to Putin's Russia. Putin's main concern seems to be that he lacks an international interlocutor with whom he can discuss the future of Ukraine, world security, and other strategic issues. The Russian president has repeatedly complained about European countries, "Putin believes that European countries have lost their statehood and national identity. Putin also said that Europeans – especially Germans – have lost their sovereignty in their hearts. Moreover, he predicted the decline and continued degradation of the European continent. The Kremlin leader sadly recalled the "erudite" French President Jacques Chirac, recalled the "international figure" of former German Chancellor Helmut Kohl, and described the late Italian leader Silvio Berlusconi as "warm and energetic," political analysts point out. "Putin already believes that Ukraine has lost the war and that Kiev has no resources to continue the fight" For Putin – continues Tatiana Stanovaya, founder of the political analysis project R. Politik -, these European leaders were far superior to those of today. At the same time, Putin believes that even the conservative parties winning the European elections today are too weak to do anything about what he describes as "the complete dependence of the European continent on the United States".

"The Russian leader has done everything possible to show that he is ready to start negotiations to end the war in Ukraine. It seems that Putin already believes that Ukraine has lost the war, and that Kiev has no resources to continue the fight. Russia's attack on the Ukrainian city of Dnipro on November 21 with a new ballistic missile known as Oreshnik seems to have strengthened Putin's belief in a Russian victory. Several times recently, Putin has spoken about the terrifying capabilities of the Oreshnik missile and even told journalists that the West could take part in an experiment. "Let them choose a target, for example, in Kiev, where they can concentrate all their air defense systems, and we will attack it with Oreshnik. And then we will see what happens," Vladimir Putin said. The very fact that the Kremlin leader is ready to broadcast such ideas in public says a lot about his attitude to the war in Ukraine, as well as about his deep misunderstanding of Western politics."

Moscow will not negotiate with President V. Zelensky,

At the same time, Stanovaya explains, Putin seems disappointed that Russia's military successes have not yet forced the enemy to sit down at the negotiating table. According to the Russian leader, he has no one to talk to in Europe, and there is no interlocutor in Ukraine either, as long as Putin considers President Volodymyr Zelensky and everyone around him illegitimate.

"Putin essentially put forward two suggestions that would be acceptable to Moscow. If negotiations start now, then Ukraine can be represented by the

Ukrainian parliament – the Verkhovna Rada – and its chairman. If they start later, then Russia would be ready to talk with a new Ukrainian president. But Moscow will not negotiate with Zelensky. Putin did not express any particular enthusiasm for the prospect of negotiations with Donald Trump. He said he had not spoken to Trump for four years and was cautious about the prospects of future contact with the White House. Putin repeated that a solution to the conflict in Ukraine is possible only on the basis of a 2022 peace agreement negotiated in Istanbul, and that facts on the ground will have to be taken into consideration." In the context in which Putin said that he would not negotiate with Zelensky, the US wants Ukraine to organize presidential elections by the end of the year, if a ceasefire or even a temporary truce with Russia is reached. Keith Kellogg, a retired general and now Donald Trump's special envoy for negotiations between Ukraine and Russia, said that the US will insist that Ukraine organize presidential elections, even in the event of a temporary truce. He stated that the elections, which were canceled due to the war, "have to be done." "Most democratic nations organize elections in times of war. I think it is important that Ukraine does this." I think it is good for democracy, said the US official, without mentioning in any way Vladimir Putin's declared refusal to negotiate with Zelensky, whom he considers "the illegitimate president of Ukraine[2]". Zelensky's term was supposed to end in 2024, but according to the Ukrainian constitution, presidential and parliamentary elections cannot be held during the state of war and martial law, which was imposed in Ukraine after the Russian invasion in February 2022. Prior to this statement, President Volodymyr Zelensky stated that Ukraine could organize elections this year, but only if the war ends and if there is a guarantee that Russia will not resume military operations. Trump and Kellogg mentioned that they are working on a plan to mediate a peace agreement in the coming months, although not many details were given in this regard.

Russian President Doubts Trump's Plans Are "Realistic",

On the other hand, Putin seems concerned that Trump is so focused on a ceasefire that he might end up ignoring the root causes of the war, as perceived in Moscow. In recent times, a number of Russian officials, including Kremlin spokesman Dmitry Peskov, Deputy Foreign Minister Sergei Ryabkov, and Russia's UN ambassador Vasily Nebenzya, have dismissed the possibility of a "freeze" of the conflict in Ukraine.

"Now, Putin has said the same thing. The Russian president doubts that Trump's plans are realistic. As Ryabkov recently put it, Trump is giving "conflicting signals" based on principles that "do not align" with Russia's interests. It is quite possible that Putin believes that Trump has not yet made up his mind. But the more time passes, the clearer it becomes that Trump and his team are not interested in a comprehensive discussion of the future of Ukraine,

[2] War in Ukraine, live text on Hotnews.ro website.

let alone negotiations on major security issues. “Putin himself has said that he is not eager to end the conflict in Ukraine, because a ceasefire – even if it lasts only a few days – would give Ukraine a chance to consolidate its position. And why would Russia agree to such a thing, since it currently enjoys an ascendancy on the battlefield?” Western analysts ask.

Putin only wants to trigger the collapse of the Ukrainian state,

It is essential to emphasize, however, that the prospects – for Putin – are not shaping up to his advantage. “Putin still believes that there is no one with whom he can do business in Europe, that Trump is only looking for an easy victory, and Ukraine continues to insist on NATO membership and security guarantees. Such a context does not bode well for Putin’s ultimate goal,” which does not necessarily mean the conquest of Ukrainian territory, but the desire to trigger the collapse of the Ukrainian state. For the time being, Russia’s military successes are not enough to provide such an outcome. Instead, Russia must be content with seizing small pieces of Ukrainian territory at immense economic and human cost.

C. Ukrainians have become accustomed to the support of the West, but they are "tired of the War",

Ukrainian officials are divided on Donald Trump’s return to the White House. Some believe his presidency will be a disaster for their cause in the war with Russia, but others see it as an opportunity. Little is yet known about what Donald Trump’s foreign policy will look like when he returns to the White House in January 2025. Will he be isolationist? Will he aggressively seek to impose US interests abroad?

For Ukraine – which depends on US aid in the war with Russia – Trump’s electoral victory has fueled anxiety in some quarters and hope in others. On the surface, at least, Trump’s victory should be “bad news for Kiev”. “The US president-elect has said repeatedly that he wants to end the war, without showing much interest in Kiev’s opinion. He has objected to the amount of US aid sent to Ukraine, which he considers excessive. Zelensky’s last visit to the United States, which took place before the November presidential election, was not a success in terms of building relations with Trump. The Ukrainian president was accused by Republicans of reaching out to Democrats, and although Trump and Zelensky met, there was no revelation. Any peace initiative by Trump will fall apart when faced with Kremlin intransigence. Initial reports of Trump’s appointments suggest that the American leader will be surrounded by men and women who are already on bad terms with Kiev. The US vice president-elect – J. D. Vance – is known to be skeptical of Zelensky, as is the increasingly influential billionaire Elon Musk. “In 2022, the National Security and Defense Council of Ukraine accused the current nominee for the post of Director of National Intelligence, Tulsi Gabbard, of working for Russia. In addition, former Secretary of State Mike Pompeo, who is viewed favorably in Kiev, is unlikely to make it to Trump’s top

team. There is a widespread belief that Trump will cut U.S. aid to Ukraine and try to force a peace deal that will be unfavorable to Kiev. And given Trump's skepticism of NATO, it will also be much harder for Ukraine to pursue its ambition to join the Western military alliance. However, all this does not mean that despair reigns in Kiev. Many Ukrainians remember a different Trump, because during his first term in office the first deliveries of Javelin anti-tank missiles to Ukraine were approved. There are views in Kiev that any peace initiative by Trump will fall apart when faced with the Kremlin's intransigence. And then, disappointed by Russian President Vladimir Putin, Trump might not just forget about cutting aid to Ukraine, but might even lift existing restrictions and red lines. Ukraine's leadership also lost hope after Trump gave wings to foreign policy hawks Mike Waltz and Marco Rubio for top positions as national security adviser and secretary of state, respectively."

Volodymyr Zelensky's Dilemma,

Recently, Kiev has made a considerable effort to build a balanced network among American elites, cultivating contacts between both Republicans and Democrats. One point of Zelensky's "victory plan," which was outlined this year, suggested inviting Western investors to develop Ukraine's natural resources "probably an attempt to woo Trump, who has the mind of an experienced businessman," writes Konstantin Skorkin. "Another consequence of Trump's election has been the resurgence of the Ukrainian opposition, especially supporters of former President Petro Poroshenko, who believe that Zelensky is now in a losing position. If Trump pressures Zelensky and he starts making some concessions, Poroshenko will accuse Zelensky of treason. If Zelensky maintains his position and ends up arguing with Trump, Poroshenko may accuse him of inept foreign policy and of destroying relations with Ukraine's main ally. Zelensky's former political allies, now enemies, have also seen an opportunity. The uncertainty gives them a chance to attack the president and raise their public profile. Former presidential adviser Oleksiy Arestovych, for example, said that "Trump will demolish Zelensky." Oleksandr Dubinsky, a former deputy from Zelensky's Servant of the People party who is now in pre-trial detention on treason charges, believes that "Trump owes him something, because the charges against Dubinsky stem from his involvement in publishing compromising materials about incumbent US President Joe Biden." However, it is unlikely that the US administration is much too familiar with Dubinsky's case. Church Supporters of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOCMP) in Ukraine was also encouraged by Trump's victory. Some Republicans were angered by a recent law in Ukraine that effectively banned the UOCMP, and in particular, Trump's lawyer, Robert Amsterdam, who led a campaign in support of the UOCMP."

"Tired of the war, Ukrainian public opinion is increasingly ready to see compromises in exchange for peace." For many reasons, researcher Skorkin

continues, “it is difficult to guess what kind of relationship Trump and Zelensky will establish, because they are both impulsive and unpredictable men.” In any case, Trump’s election could be a catalyst for a thaw in Ukrainian politics, leading to presidential elections in 2025, Konstantin Skorkin believes. The arrival of a new president in the White House would be a convenient excuse to push for such a belated development. At the same time, Trump’s victory has sparked anxiety among ordinary Ukrainians.

The US president-elect has never been widely admired. Towards the end of his previous term in 2019, 30% of Ukrainians had a favorable opinion of him. By comparison, 64% of Ukrainians had a positive opinion of Biden in 2021, and 89% said they trusted Biden, as Russia prepared for an invasion in 2022. Weary of war, Ukrainian public opinion is increasingly ready to see compromises in exchange for peace. Between 2022 and 2024, the percentage of Ukrainians ready to accept territorial concessions to stop the fighting rose from 10% to 32%. According to a recent Gallup poll, 52% of Ukrainians want a quick end to the war through negotiations. Some Ukrainians see Trump as a strong leader who will stand up to Putin. Others see him as a scapegoat to be blamed for the difficult decisions that will have to be made to end the war – decisions that will result in territorial losses and could destroy the current Ukrainian leadership. However, Donald Trump’s presidency could end up being a major shock for Ukraine. Since Putin’s Russia invaded the country, Ukrainians have become accustomed to Western support, even if the aid is not always sufficient or timely. Now, Trump’s pragmatism will come to the fore. Trump will support Ukraine only if it is part of a foreign policy that aligns with his principle of ‘America First.”

D. Russia's nuclear threat exposes the West to V. Putin's blackmail to return to the "Cold War",

Globally, in recent times, anxiety about the prospect of nuclear war has risen to levels not seen since the end of the Cold War. However, the risk of nuclear war still appears to be very low and – importantly – has not increased since Vladimir Putin changed Russia’s nuclear doctrine. In mid-November, the Biden administration approved Ukraine’s use of ATACMS (MGM-140, the US Army Tactical Missile System) against targets inside Russia. The US decision was later complemented by the UK’s approval of the use – by the Ukrainian army – of Storm Shadow missiles. Vladimir Putin did not hesitate, made a quick move on the “chessboard” and announced a revised Russian nuclear doctrine. In this regard, Moscow used a hypersonic Oreshnik missile – but without a nuclear warhead – against Ukraine. At the same time, President Putin also made a statement in which he asserted his right to strike the military facilities of those states that allow Ukraine to use their weapons to attack deep into Russian territory. In this context, the entire world was alarmed, while the Russian state media exulted. According to Western analysts, “Putin’s threats and the use of an

apparently new missile do not suggest that escalation to a nuclear move is likely." On the contrary, they are a strong indication that this is unlikely to happen.

Since Russia's invasion of Ukraine in 2022, the Washington administration has been concerned about the risk of escalation, especially the possibility that US assistance to Kiev would trigger a nuclear response from the Kremlin. As a result, the White House has been cautious about allowing Kiev to make essential moves into Russian territory with US-supplied weapons. For months, the US has resisted calls to allow the use of long-range missiles against targets inside Russia. On balance, the White House's decision to lift that ban indicates a high degree of certainty that Russia will not respond with any nuclear weapons against Ukraine or any NATO state. One reason for this confidence may be the influence of China, which has not condoned the Kremlin's nuclear threats and on which Russia is now economically and politically dependent. But beyond that, it seems that – as in times of crisis during the Cold War – the terrifying nature of nuclear war helps deterrence work. Given the stakes involved in nuclear weapons, both the US and Russia have extremely strong incentives to communicate clearly with each other, even in circumstances where one side is trying to use nuclear threats to keep the other in check, as Putin has done and is doing. Since the beginning of the war, Washington has been communicating to the Kremlin what the consequences of using Russian nuclear weapons would be.

Not all the details of this dialogue are public, but the US administration has warned of the catastrophic consequences for both sides if any type of nuclear weapon were used. The need to avoid potentially fatal misperceptions explains why Russia warned the US in advance about the Oreshnik missile attack and its non-nuclear nature. Both countries want transparent communication in such situations, such as the launch of a hypersonic missile, where misinterpretation could lead to rapid escalation and even accidentally trigger a nuclear war. Putin's anger is dangerous and should be taken seriously, but it does not indicate that the nuclear risk has increased. As nuclear threats are now proving less effective in deterring the White House, there seems to be an attempt to restore the ability to coerce the US, UK and other Western states, generating a public panic that will put pressure on the respective governments. It can be concluded that part of the dissatisfaction seems to be linked exclusively to the idea that the threat from Russia has as its basis only the military and financial assistance that the West provides to Ukraine.

The idea that the West is classified as an "enemy" has become fundamental to the presidency of V. Putin, and the characterization of NATO as an existential threat to F. Russia is one of his main ideological landmarks. After a break of about thirty years, it seems that deterrence in the style of the Cold War has returned. Whether it will continue to work after Donald Trump returns to the White House in January 2025, when US policy is expected to take a sharp turn towards a more Kremlin-friendly approach, is less clear.

E. A regiment of state-of-the-art S-500 anti-aircraft missiles has entered the structure of the Russian armed forces,

General Valery Gerasimov, Chief of the General Staff of the Russian Armed Forces, announced on December 18, 2024, the establishment of the first S-500 anti-aircraft missile regiment, marking the formal integration of this advanced system into operational service. The S-500 Prometheus is expected to serve as a central component of Russia's defense network, complementing the existing S-400 and S-300 air defense systems, while expanding operational capabilities to counter future threats. The S-500 Prometheus air defense missile system, developed by the Almaz-Antey concern, is designed to engage a broad spectrum of air threats, including stealth aircraft such as the F-35, intercontinental ballistic missiles (ICBMs), hypersonic missiles, and low-orbiting satellites.

It is delivered in two configurations:

- one for long-range air defense and
- another for missile defense.

The system has a maximum operational range of 600 kilometers and an altitude capability of 200 kilometers, surpassing its predecessors, the S-300 and S-400, which are limited to 400 kilometers and lower altitudes. During tests, the S-500 demonstrated a range of 481.2 kilometers, according to US Space Intelligence. This exceeds the capabilities of American systems such as the Patriot and THAAD, which are limited to a range of about 200 kilometers. Each S-500 regiment comprises 12 launchers, capable of detecting and engaging up to ten ballistic missile warheads flying at speeds of up to seven kilometers per second. The system has a response time of three to four seconds, an improvement over the nine to ten seconds required by the S-400. The S-500 system uses, among others, the 77N6-N and 77N6-N1 missiles, which are specifically designed for high-speed kinetic interception. Tests conducted in February 2024 confirmed the system's ability to intercept an R-29RMU2 Sineva missile, demonstrating its ability to engage hypersonic targets. The S-500's deployment is also to defend the Crimean Bridge. Crimea is of strategic importance to Russia due to its location on the Black Sea, hosting the deep-sea port of Sevastopol, which supports Russian naval operations and provides access to the Mediterranean Sea. Following its illegal annexation in 2014, Crimea has also become a key component of Russia's efforts to maintain its influence in Ukraine. The Crimean Bridge serves as a critical logistical route, allowing the movement of military supplies and civilian goods between Russia and Crimea.

Ukraine is seeking to destroy the bridge to disrupt these supply lines, hinder Russian military operations, and challenge Russia's ability to maintain control over the region. Since the beginning of the Russian invasion in 2022, Ukraine has repeatedly targeted the Crimean Bridge using a variety of methods, including unmanned surface ships, missiles, and explosives, with the aim of disrupting Russian supply lines and military operations in Crimea. The S-500 system is also

equipped to counter low-Earth orbit (LEO) satellites, which are essential for adversaries' communications, navigation, and reconnaissance operations. This capability, combined with its long range, allows it to target threats beyond traditional airspace. Analysts suggest that the deployment of the S-500 to Crimea could test NATO's ability to operate near the region, particularly given the system's ability to intercept advanced air and missile threats. The S-500 Prometheus began development in the late 2000s, with its first prototype completed in 2012. Testing phases continued into the 2020s, with the first pre-production models delivered in 2016. The system includes advanced radar components, such as the 91N6A(M) battle management radar and the 77T6 ABM engagement radar, which support the detection and engagement of multiple targets simultaneously. This system is mounted on the BAZ-6909 family of vehicles, designed for mobility and deployment on varied terrain. Reports from military analysts indicate that this deployment marks the beginning of the S-500's integration into Russia's military strategy. The system's ability to engage advanced threats, including hypersonic weapons and stealth aircraft, adds a new layer to Russia's air and missile defense capabilities. While initially focused on securing key infrastructure, such as the Crimean bridge, its broader deployment could influence regional and global military dynamics. The system is also expected to serve as a central component of Russia's defense network, complementing the existing S-400 and S-300 systems while expanding operational capabilities to counteract future threats.

Conclusion

While preparations for the inauguration of the new American president have begun in Washington, in Moscow, Nikolai Patrushev, Vladimir Putin's right-hand man, is launching hypotheses about what the Trump administration's foreign policy will look like. Along with predictions regarding the diminishing support for Kiev by Americans, even estimating the dissolution of Ukraine in 2025, Patrushev also focused on European states, noting that the EU is no longer able to represent their interests.

As for Romania, the Russian dignitary stated that the way Russia is perceived at the national level does not coincide with what is stipulated at the European level, including our country on the list of states with pro-Russian views, such as Hungary, Slovakia and Austria. According to the Russian official: "There is nothing to discuss with London and Brussels. The EU leadership, for example, has long since lost the right to speak on behalf of many of its members, such as Hungary, Slovakia, Austria, Romania and some European countries interested in stability in Europe and in adopting a balanced position towards Russia". In this context, the MFA in Bucharest did not hesitate to provide a firm response to the statements of Putin's advisor, signaling that they fall within "the same aggressive themes of propaganda and disinformation with which Moscow

has intoxicated us, especially in recent years". The list of caustic statements by Russian officials cannot be completed without mentioning President Vladimir Putin, who, during a televised debate, ironized the decision to recount the votes in the first round of the presidential elections in Romania, suggesting the involvement of the authorities in the electoral process. One of the least interesting coincidences that can be extracted from the statements of the dignitaries is the willingness to classify Romania as a state favorable to Russia, once the first round of the presidential elections has ended. Another may be the preference for candidate Călin Georgescu, which seems to be becoming difficult to camouflage, even among the highest officials. President Putin, for example, launched the ironic comment addressed to the Romanian authorities, even if there was a possibility that this message could be interpreted as an expression of regret for challenging the validity of Călin Georgescu's election. Putin's real irony in this situation is his audacity to "hint" that Romania would commit an anti-constitutional act, one that the Kremlin seems to have been doing for years.

Currently, Romania is of great importance to the US for several reasons. In the opinion of analysts, they argue that Romanian politicians have not understood that the world has changed, but they will have no choice but to understand this change anyway. In this sense, it will be very important who the new president of Romania will be. Our geopolitical or geostrategic position is extremely important, especially in the current political and economic context.

But it is not important today, yesterday, but since 1850-1860, when the First Union was made. We were supported to have a large and strong state in the area by all the Western powers at that time, initially by France, but also by England, America, through President Wilson, due to our geographical position which was and is "on the coast of the Russian Empire" and on the border that separates us from the Arab states. So, we are a kind of advanced point of the West in a difficult area and which the West needs. The clearest statements of the Trump Administration so far have been in support of Israel and a very aggressive direction towards the regime in Iran, where both the Trump Administration and the Netanyahu Administration are totally aligned. It is clear that Iran is very weakened after all of Israel's actions in the area. It has lost all the proxy regimes through which it operated – Hamas and Hezbollah. And from what we see published on various channels, it is clear that the Trump Administration and Netanyahu will attempt a massive weakening of Iran's power and probably a regional regime change.

Something like this is not easy and the largest military base that the Americans are currently building is on Romanian territory. This is being done not only for Russia, as a defense, but also for logistics in the event of a possible war with Iran. But this does not mean that we, Romania, are participating, but only that there will be overflights of the national space by American military planes, which will probably refuel us, as happened during the war in Afghanistan.

For this reason, we cannot imagine that a president in the White House or the American administration will abandon Romania's geographical position in any situation, which is much more important than that of many other strategic partners of America. The Trump administration will have the same strategic objectives that Americans have had so far, only they will have a slightly more "transactional or business-oriented" approach. We should come up with big projects, not small ones, be much more ambitious than we are and to learn to speak the language of the Republicans and Trump in particular. It is clear that there will be some major changes, and we must learn to function in the "new world order" that is being established.

After returning to the White House, President Donald Trump has set out to impose his will on a global level. He wants to dismantle the current global order, demands even more from NATO member states and considers tariffs to be more than a short-term economic tool. His appearance at the World Economic Forum in Davos was the latest move by Trump, who wants to reshape America's destiny. He issued his most explicit threat yet to impose tariffs on European exports, set a nearly unattainable target for NATO countries' defense spending of 5 percent, tried again to get Russian President Vladimir Putin to hold talks to end the war in Ukraine, and insisted on his "reward" and "punishment" approach to Chinese leader Xi Jinping. In its new "golden age," Trump argued, the United States would pursue its unique national interests exclusively. The American official repeatedly referred to his country as a "sovereign" nation. Also on this occasion, Trump reacted virulently to the European Union, "complaining bitterly" about the practices and regulations that, in his opinion, "restrain economic growth and interfere with his personal business interests."

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The dilemma of the future – Human rights in the age of civilian or military drones

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Abstract

Technology is a reality in the life of the current generation, and its evolution is an indisputable reality. The appearance of drones in the technology of the moment represents progress. From time immemorial, every technological discovery was created and developed for its use by any being for its own good, for simplifying and easing the work of man, etc. In the case of unmanned aerial vehicles, defined as drones and used more and more often in modern aviation, unmanned aerial vehicles or drones proved useful during the Covid 19 pandemic of 2020. Everyone remembers the televised images from China, where drones brought, transported packages of food and medicine, emergency medical products in initially quarantined areas and then in neighborhoods and even cities. 20, 30 years ago, these were images of science fiction films, just as Jules Verne's writings about submarines were classified, in his generation, also in the SF category. Drones were created in the military field (unmanned combat aerial vehicle (UCAV), also known as a combat drone, fighter drone or battlefield UAV) and later expanded in civilian life, their significant potential to create new jobs and economic growth, being recorded in the specific European legislation. The study includes a synthesis of some unwanted events, generated by the use of drones in ongoing conflict situations, but also some stupid accidents that turned into tragedies with loss of human lives; with the aim of drawing attention to the use of drones in civilian life while maintaining the military purpose for which they were created, that of surveillance, with the violation of the right to private life of man.

Keywords: *Unmanned aerial vehicles, unmanned combat aerial vehicle (UCAV), battlefield UAV, combat drone, fighter drone, drone, AI, military conflict, humanitarian law, right to private life, surveillance, civil, military.*

Argument for the chosen topic, instead of an introduction: The topic of using drones in civilian life is welcome and useful. Initially, their use in the military sphere was argued, demonstrating their usefulness, by using them in military conflict zones, to protect the lives of pilots, but also of soldiers who use drones in combat in the field. Obtaining images from the spot, without human

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intervention in those conflict zones, saved many human lives in the theaters of war where they were used.

The delicate aspects appear when man uses these revolutionary devices in spying without the right of some areas, with interference in the private life of human communities, in peacetime. Thus, the issue of respecting human rights for espionage actions arises when their commercialization is free, and practically any person interested, without right, in the life of another person, can use a drone for research and aerial surveillance of the activity carried out by that person, as a form of unjustified aggression, to later cause him harm. Even if they do it just out of curiosity, without negative intentions, there is the issue of respecting privacy and the right to a private life, protected by all the international regulations in force and by the constitutions of modern states, which are not in dictatorial regimes. Ethical and moral aspects are also relevant in this subject, from the perspective of the training of the person who operates the drone, qualified (military drones) or not (personal civilian drones), but also from the perspective of airspace security.

Unfortunately, reality has also demonstrated the danger of these flying devices that affect peaceful life, in peacetime, in states neighboring war zones. Just one example "Ukrainian drone attacks caused the suspension of flights and the temporary closure of two airports east of Moscow. At the same time, the Russian authorities announced that attacks had taken place in several areas, with recordings being published on social networks of the moment a drone hits a residential building in the city of Kazan."[1]

From the perspective of humanitarian law, their use is justified in conflict zones, to investigate affected civilians who need help, in calamity zones following violent fires or earthquakes, these devices are also of great use that provide information in real time, in times of emergency, to increase the reaction capacity of the crews to save human lives.

An air accident on the territory of Romania was kept secret for three months. That was until someone found out the information from sources, and the authorities were forced to confirm it. (May 16, 2024) [2]

Another example reflected in the media: Two F-16 planes chased a drone in Romanian airspace (September 9, 2024). Moments of panic in Tulcea and Constanța counties in September 2024 after new explosions on the border with Ukraine led the authorities to send Ro-Alert messages. It was the moment when the MAE informed the NATO allies about the violation of Romania's airspace!

[1]https://www.digi24.ro/stiri/externe/doua-aeroporturi-din-rusia-au-fost-inchise-temporar-in-urma-atacurilor-ucrainene-cu-drone-3055561- December 21, 2024- Ukrainian drone attacks caused the suspension of flights and the temporary closure of two airports east of Moscow

[2] https://www.youtube.com/watch?v=3i9gMMClN2E- May 16, 2024 – small planes or Russian drones fallen on the territory of Romania?!?

EU regulations – a brief history of regulations – Drones: reform of EU aviation safety[3]

Definition:" Unmanned aircraft*, or drones, represent a* ***rapidly developing sector of aviation*** *with a great potential to create* ***new jobs and economic growth*** *in the European Union. This is why the EU adopted a regulation to safely integrate remotely piloted drones into the European airspace.*

The regulation sets common rules for civil aviation safety and revises the mandate for the ***European Aviation Safety Agency (EASA)****. The new 'EASA regulation' replaces the legislative framework from 2008.*

On 26 June 2018, the Council adopted the new ***proportionate and risk-based*** *rules that will enable the EU aviation sector to grow and will make it more competitive."*[4]

Ensuring aviation safety and the safe use of drones: Council approves EASA reform[5]

The Council adopted updated aviation safety rules, which include a revised mandate for the European Aviation Safety Agency (EASA) and the first ever EU-wide rules for civil drones of all sizes. The reform introduces proportionate and risk-based rules designed to enable the EU aviation sector to grow, make it more competitive and encourage innovation. A provisional deal was concluded with the European Parliament on 29 November 2017. "These rules will ensure that flying remains safe even when our skies become increasingly busy," said Ivaylo Moskovski, Bulgarian Minister for Transport, Information Technology and Communications.

The rules on drones lay down the basic principles to ensure safety, security, privacy, data protection and environmental protection. The text establishes the registration threshold for drone operators: operators must be registered if their drones can transfer more than 80 Joules of kinetic energy upon impact with a person. The other detailed rules on drones will be set by the Commission with help from EASA, based on the principles outlined in this regulation.

The evolution of European regulations: "On March 12, 2019, the European Commission adopted rules at the EU level establishing technical requirements for drones.

In accordance with the EASA Regulation, the new rules establish the basic principles to ensure the safety, security and protection of privacy, as well as the protection of personal data. They also aim to cut red tape and encourage innovation. The regulation also removes certain rules that could inhibit

[3] https://www.consilium.europa.eu/ro/policies/drones/
[4] https://www.consilium.europa.eu/ro/policies/drones/
[5] https://www.consilium.europa.eu/ro/press/press-releases/2018/06/26/ensuring-aviation-safety-and-safe-use-of-drones-council-signs-off-on-easa-reform/ June 26 2018

entrepreneurship. This is expected to bring legal certainty to a sector comprising many small and medium-sized enterprises and start-ups.

In addition, the regulation introduces a risk-based and performance-based approach to safety. This means that the regulation recognizes the various risks that arise in different sectors of civil aviation. For example, helicopters or light recreational aircraft are subject to simpler and cheaper approval procedures than commercial aviation.[6]

Tragic examples of the use of drones in times of peace or war

The attacks against Ukraine killed one person and injured 16. A drone flew in the direction of Romania, the press wrote on 17.01.2025.

"Ukrainian forces shot down 33 of 50 drones, including Shahed attack drones, launched by Russia overnight, the Air Force reported. Another nine were "lost", and one drone flew in the direction of Romania. (...) Debris from the downed drones injured a 12-year-old boy in the Kiev region, according to the statement of the interim head of the regional military administration. The debris caused a 200 square meter fire in a cafe and the adjoining boiler room, and the explosion shattered windows in a nearby building.

Russian drones targeted the port infrastructure near the city of Izmail, in the Odesa region, according to Governor Oleh Kiper, the residential building was damaged, (...) without casualties. According to The Kyiv Independent, a Russian drone struck the road in the city of Kharkiv, injuring three men aged 44, 46 and 48, Governor Oleh Syniehubov reported. Five cars were damaged. In the Sumî region, three people were injured following a drone attack, according to the region's military administration. The attack also damaged an apartment building and a car. Two people were injured in the town of Rodynske in the Donetsk region, Governor Vadim Filashkin said. In the Kherson region, Russian forces targeted 37 localities, including the regional center of Kherson. Seven people were injured in the last day, Governor Oleksandr Prokudin reported. A Russian drone also attacked a bus station in the village of Antonivka in the Kherson region, killing a man in the early hours of January 17, Prokudin said.

The Romanian Ministry of National Defense has confirmed that it has discovered traces of a possible drone impact near the Plauru location in Tulcea County, near the border with Ukraine, informs Radio Romania Actualităiță. Residents of the area were warned around 01:46, through an RO-Alert message, to take shelter in safe areas. According to a press release from the relevant ministry, Russian forces resumed the series of drone attacks on civilian targets and port infrastructure in Ukraine, in the morning of January 17, in the vicinity of the border with Romania, Tulcea county. The monitoring and surveillance systems of the Ministry of National Defense signaled violations of Romanian

[6] https://www.consilium.europa.eu/ro/policies/drones/

airspace, and two F-16 aircraft took off to monitor the aerial situation in the area. The fallen drone was monitored and did not pose any risk to the safety of Romanians, said the prime minister from Bucharest, Marcel Ciolacu, quoted by Rador. He is convinced that after the expertise that will be done by the Ministry of Defense, the result will show that this drone was hit by Ukrainian artillery. [7]

For a fair analysis of the destruction caused by drones in the Russia-Ukraine conflict, Ukraine also produced significant destruction on Russian territory, the press report in January 2025.

"Unprecedented attack on the Russian energy infrastructure. More than 100 Ukrainian drones struck strategically. Ukraine has launched a massive drone attack on Russia to destroy its oil and electricity production infrastructure. Russian air defense systems were activated and destroyed 11 drones targeting the Smolensk nuclear power plant, the largest electricity production facility in northwestern Russia. Remains of a destroyed drone caused a fire at a refinery in Kstovo, in the Nizhny Novgorod region, located about 800 km east of Ukraine. Later, the Russian group Sibur announced that it had suspended production at its plant in Nizhny Novgorod due to a Ukrainian drone attack. One person was injured and hospitalized following the incident. In total, according to the Ministry of Defense of Russia, nine regions in the west of the country were targeted by the raids of 104 Ukrainian drones, and more than half of them were shot down over the Kursk region, reports Reuters. Air traffic monitoring agency Rosaviatia has suspended flights from Kazan Airport in the Russian Republic of Tatarstan and Pulkovo Airport in the Leningrad Region due to fears of possible interference with aviation systems.[8]

Summarizing, it is unacceptable that the "collateral victims" so present in the military language, in the statistics from the conflict zones, become a normality, in the conditions where, out of the desire to conquer other nations by sick minds, we forget that the most precious and irreplaceable value is human life!

To get out of the sphere of conflict, another situation was one step away from generating a tragedy – when "An Airbus A320 belonging to the Air France company, which was making a flight on the Barcelona-Paris route, narrowly avoided a drone, during the landing at Roissy airport in France. The incident raised suspicions, as drones are not allowed to fly over airports or residential areas."[9]

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[7] https://moldova1.md/p/42509/atacurile-impotriva-ucrainei-au-ucis-o-persoana-si-au-ranit-16-in-ultimele-24-de-ore – 17.01.2025- Attacks against Ukraine killed one person and injured 16. A drone flew in the direction of Romania

[8] https://www.digi24.ro/digieconomic/energie/atac-fara-precedent-la-adresa-infrastructurii-energetice-din-rusia-peste-100-de-drone-ucrainene-au-lovit-strategic-44267 – Alexandru Gologan – 29.01.2025, sursa: shutterstock.com/

[9]https://www.romaniatv.net/incident-aviatic-deasupra-aeroportului-roissy-provocat-de-o-drona_278286.html?uord=OqEljV20tIcjHB%3D4O20iPWSFTUNQUSfh/s8%3DQr75lYFctlf%3DIS3

"While the aircraft was at an altitude of 1,600 meters, the co-pilot saw a drone on the left side of the aircraft, indicated the BEA[10], (which investigated the case) (...) The co-pilot immediately disconnected the autopilot and performed an avoidance maneuver, at the same time informing the flight commander of the presence of the drone. The commander, who was able to observe the drone in turn, estimated that it was about five meters below the left wing of the aircraft. The crew immediately informed the control tower of the presence of the drone and continued the landing maneuver without further incident. BEA did not provide details on the number of people on board the aircraft, nor on the dimensions of the drone. An A320 can carry around 160 people.

Drones are not allowed to fly in the vicinity of airports, fly overpopulated areas and are limited to a ceiling of 150 meters, without the right to leave the operator's field of vision.

Several incidents related to the flight of drones over nuclear power plants or Paris took place in the fall of 2014, recalls AFP – picked up by Romania TV on March 4, 2016.

In this situation, the question is who navigates the drone? Trained, qualified personnel are needed to avoid mistakes that can cause casualties!

Consequently, the regulation of the use of these flying devices, defined as unmanned aerial vehicles, is a necessity already realized in European legal practice.

Moreover, the issue of international air security is rightly criticized by the current American President Donald Trump, on the January 2025 air tragedy – No survivors in the Washington plane crash: Trump questions diversity.[11]

"Sixty-four people were on the plane that collided with a Black Hawk helicopter of the American army, with three soldiers on board[12], over the Potomac River. On board the passenger plane were several members of the skating community, and the TASS agency reported that the pair of skaters, Evghenia Şişkova and Vadim Naumov, world champions in 1994, who became coaches for the Federation of American figure skating. They were returning from a U.S. Figure Skating Championships national development camp in Kansas and were traveling with a group of young skaters. (13 skaters), many of them children of Russian immigrants to the United States. What happened is terrible. The best

tM22LW4-mJEV7JRixPtFAUbVyrXFCkXgIH%3DitNptnQpR%3DIUVQVCje9s84PbihiVhztlvvJ6CyN27j9WJYUnKJ- Aviation incident over Roissy airport, caused by a drone – March 4, 2016

[10] The Bureau of Investigation and Analysis (BEA), which described the incident as "serious".

[11] https://www.radioiasi.ro/stiri/international/niciun-supravietuitor-in-accidentul-aviatic-din-washington-trump-pune-sub-semnul-intrebarii-diversitatea/ 30 Jan 2025- – No survivors in the Washington plane crash;

[12] A Pentagon official said three soldiers were on board the helicopter. He was performing a 'training flight';

people were taken from us." Inna Volyanskaya, a former figure skater who competed for the Soviet Union before 1991, was also reportedly on board the plane, TASS news agency said. She was a coach at the Washington Figure Skating Club, according to its website.

More than 180 athletes competed at the Jan. 20-26 championships in Kansas, where the plane came from[13]*, and the Development Camp was held Jan. 27-28 for nearly 150 budding skaters of all performance levels, the Federation's website said. The International Skating Union (ISU) said it was "deeply shocked by the tragic accident.*[14]

Even if in this situation the aviation tragedy was not caused by a drone, the need to regulate at international level the legal regime of the operation of these flying vehicles, but especially the responsibility for the damage, tragedies caused by them, is reiterated!

In the era of military drones, situations arise that escape human control, willingly or unwillingly, by mistake or incompetence, and then other situations arise in practice that create material damage and kill!

Protective measures are taken against the drone attack, airports are closed, but as you can see, the effect is not entirely the expected one.

The proof, the event that took place in a quiet area, far from the conflict zone, due to the closure of the Russian Makhachkala airport, which was closed due to the threats of Ukrainian drones and reported by the press.

The investigation after the aviation catastrophe that happened on December 25, 2024, will be led by the Aviation Authority of Kazakhstan, the country on whose territory the crash took place. 32 of the 67 people on board the aircraft survived, local authorities announced.

The preliminary cause that led to the crash of the aircraft is the emergence of an "emergency situation" on board, after the aircraft struck a bird, the institution responsible for the regulation of aviation in Russia announced on Telegram.

The plane, which was traveling from the Azerbaijani capital Baku to Groznyi, had to deviate from its original route due to dense fog at the airport in the capital of the Chechen region, and make an emergency landing.

Commercial aviation tracking sites recorded the flight moving north along its scheduled route along the west coast of the Caspian Sea before disappearing from radar. It later resurfaced on the east coast, circling near Aktau Airport before finally crashing.

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[13] The plane, which was coming from Wichita, Kansas, in the central United States

[14] https://www.g4media.ro/fostii-patinatori-americani-de-origine-rusa-siskova-si-naumov-se-aflau-la-bordul-avionului-prabusit-la-washington-si-sunt-prezumati-morti.html Jan 30, 2025- Russian former US figure skaters Shishkova and Naumov were on board the plane that crashed in Washington and are presumed dead

"According to preliminary reports, the plane requested land at another airport, due to the dense fog in Grozny, before the accident," said Iulia Shapovalova, Al Jazeera correspondent in Moscow. "The reasons for the crash are not yet known"

Azerbaijani President Ilham Aliyev announced that, based on the information he received, the AZAL plane, which was flying on the Baku-Groznî route, "changed its course due to worsening weather conditions and started heading towards Aktau airport, where the accident occurred during landing." The deviation from the route was realized due to the fact that the nearest Russian airport, Makhachkala, was closed due to threats from Ukrainian drones.

Strong GPS jamming in the region, which has caused incidents in the past, may have further complicated navigation and contributed to the crash, according to an online post by the aviation website FlightRadar24.

The event was also reported in the Western press, writes The Aviation Herald website.

"Due to GPS jamming and spoofing in the region, existing radar data does not indicate the true flight path and cannot be used to analyze the aircraft's problems," writes The Aviation Herald website. Assumptions regarding the possible accidental downing of the civilian plane with 67 people on board by Russian air defense are premature, the same website writes.[15]

Another example from an Asian area on the border with a dictatorial, tyrannical state, even where human rights do not exist, happened in Dec 2022, *when North Korea sent five drones across the border with South Korea. One reached Seoul, all five returned north, despite a five-hour chase involving fighter jets and attack helicopters, with about 100 rounds fired. A South Korean KAI KT-1 Woongbi*[16] *crashed, although crew survived. The Joint Chiefs of Staff (South Korea) released a statement saying that while it can stop attack drones, its ability to stop smaller spy drones is "limited". A senior official, Kang Shin-chul, said: "Our military's lack of training has caused great concern to people... it actively uses detection devices to identify the enemy's drone early on and aggressively deploy attack means."*

South Korea's Ministry of Defense has announced a new series of anti-drone measures, (...) One is an airborne laser that will be used to destroy larger drones, while a jammer would be used on smaller drones. Also, a new anti-drone unit would be created, consisting of two squadrons. The laser is

[15] https://www.gds.ro/Actualitate/2024-12-26/noi-informatii-despre-accidentul-aviatic-din-kazahstan/ New information on the plane crash in Kazakhstan – December 26, 2024

[16] Model KT-1 has a glass cockpit with tandem seating for two crew members (student pilot and instructor)

already in the testing phase and is expected to become operational in 2027. The jamming system has been described as a "soft kill"[17]

The majority of the ROKAF's[18] *fleet can be armed with both gun pods and rockets, which are intended to be used for weapons training!*

What seems like a joke in bad taste, here is what happened in October 2024 when a drone released a North Korean balloon full of waste above the presidential complex in Seoul, in a context of strong tensions between the two countries*, The balloon "exploded in the air and the remains were dispersed around the offices in Yongsan.*

The contents of the balloon "posed no risk", but since May 2024, North Korea has regularly bombarded Seoul with balloons loaded with waste, in retaliation, it says, for propaganda sent by activists in the South. According to South Korean publication Chosun Daily, the balloon contained leaflets ridiculing the South Korean president and his wife Kim Keon Hee, with photos of the couple paired with the comments "Fortunately, President Yoon and his wife have no children" and "South Korea is Keon Hee's kingdom". South Korea's first lady is accused of participating in a stock-rigging scheme and meddling in the nomination of candidates for the conservative ruling People Power Party ahead of April's general election. It is the second time that the offices of the South Korean leader, located in the center of Seoul and in a no-fly zone, have been directly hit by balloons launched from the North, the first such incident taking place in July. This new incident comes days after Kim Yo Jong, the sister of North Korean leader Kim Jong Un, accused activists in the South of sending anti-Pyongyang documents to the North and Seoul of launching drones into the North Korean capital. [19]

Conclusions

From the dictionary definition of drone – *"An unmanned combat aerial vehicle (UCAV), also known as a combat drone, combat drone or battlefield UAV, is an unmanned aerial vehicle (UAV) that is used for intelligence, surveillance, target acquisition and reconnaissance and carries aircraft munitions such as missiles, anti-tank guided missiles (ATGMs) and/or fixed points for drones.* [20] The purpose for which it was created can be seen. Its use in civil life is an advantage if it does not fall into the hands of individuals who use it against another person for immoral, unethical purposes, flagrantly violating the

[17] https://en.m.wikipedia.org/wiki/Unmanned_combat_aerial_vehicle
[18] The Air Force of the Republic of South Korea
[19] https://www.digi24.ro/stiri/externe/un-balon-nord-coreean-plin-cu-gunoaie-a-explodat-in-aer-si-resturile-au-fost-dispersate-in-zona-complexului-prezidential-din-seul-2980451 -10/24/2024 – North Korean trash balloon 'exploded in mid-air and scattered debris' in Seoul presidential complex area.
[20] https://en.wikipedia.org/wiki/Unmanned_combat_aerial_vehicle

individual rights of the person guaranteed by all national, European and international regulations in force.

This is the essential reason why the regulation must be detailed, in order to prevent the obtaining of information by illegal means, the abusive and illegal surveillance of the person, their properties, the company headquarters, etc. (because they can also be used in the sense of eliminating competition in the field of business relations), but also for arson of goods and valuables, energy infrastructures, fueling in this case and creating and fueling crises artificially.

It is more than urgent that these criminal methods disappear, to be sanctioned by international legislation to use drones and related technology to extinguish fires... for example.

This firefighting drone can be connected by the flexible pipe to the water tank of the fire truck and can quickly start the lift, through the efficient foam/water inside the high-strength fire truck, the basic fire extinguishing agent is absorbed into the drone platform. It has good flight stability, a stable platform at 200 m altitude.

The firefighting drone is powered by a ground generator for uninterrupted stalling. And it can also be used as a solar panel cleaning drone and roof cleaning drone to clean exterior walls and solar panels with pressurized water. It can be remotely controlled by connecting the water wheels to the ground, set the altitude through the ground station, achieve one-button take-off and landing, one-click altitude change, and one-click course change. The maximum cleaning height can reach 100m height. It has centimeter-level accurate positioning, simple operation, one-button automatic takeoff and landing, and automatic retractable cable. High safety and reliability. Support manual control mode and automatic flight mode, in manual control mode, control the drone movement by joystick, automatic landing protection in case of power failure and loss of control.[21]

It is known that artificial intelligence is part of our lives and gradually it seems that it will replace us. A question arises...rhetorical at this moment, extrapolating the topic...will we have the courage to board a plane without a pilot? Driverless cars are already tested and a reality that may be part of our lives in the future... (in big cities, means of travel without a driver) in this context, we invite the reader to reflect... analyzing the statements of one of the so-called "godfathers of AI": *"Max Tegmark, professor at the Massachusetts Institute of Technology and president of the Future of Life Institute, and Yoshua Bengio, one of the so-called "godfathers of A.I." and professor at the Université de Montréal, issued the warning on the latest episode of the Beyond The Valley podcast hosted by financial broadcaster CNBC. Two of the most prominent artificial intelligence scientists warn that the development of artificial general intelligence (AGI)*

[21] https://ro.satuav.com/multi-rotor-drone-rotary-wing-drone/fire-fighting-drone.html

"agents" comes with major risks, as their creators could lose control of the systems

***"It's absolutely insane that we humans would build something much smarter than ourselves before we've figured out how to control it**," (...) "At least now, a lot of people are talking about this topic. We must see if we can get them to move from words to action. (...) The companies working on these models present them as technologies that will allow chatbots to act as assistants or 'agents', helping people with work and everyday life."*

The statement on the use of AI is striking: *"I think, if we want to be optimistic, we can get almost all the benefits of AI... if we simply insist that there be minimum safety standards before people can sell powerful AI systems*"

In the same spirit, we consider that it becomes mandatory to establish minimum safety standards before civilians can use drones! And their sales should become a monopoly for the sale of drones used for military purposes. (only the army can sell/purchase drones equipped with attack systems).[22]

The reason for this proposal concerns the very current European legislative provisions where it was considered that the reform of the rules in the field of aviation was necessary and because an increase in air traffic in the EU is expected by 50% in the next 20 years. The European Commission estimates that, by 2035, the European drone sector will:

• will directly provide jobs for over 100,000 people

• will have an economic impact of more than EUR 10 billion per year, especially in the field of services

As the use of drones expands, so will the need to find a balance between their advantages and the problems they generate. For example, unmanned aerial vehicles can provide added value when used to collect and interpret data in various sectors of the economy. But drones can also create data protection, privacy, noise and CO2 issues.

Also in the European documents, interesting aspects are presented: "Although some drones are as heavy and fast as an airplane, they can also take the form of **very small electric "toys"**, available to consumers on a large scale. After 2008, smaller drones created regulatory problems for the EU, whose powers were limited to unmanned aerial vehicles heavier than 150kg.

[22] https://hotnews.ro/cercetatori-de-top-avertizeaza-impotriva-unui-nou-pericol-din-domeniul-inteligentei-artificiale-este-absolut-nebunesc-1896793 – February 7, 2025- Sebastian Jucan- Top researchers warn against a new danger in the field of artificial intelligence: "It's absolutely crazy" – their creators could lose control of the systems

Lighter drones were only subject to different and fragmented national safety rules at EU level. Moreover, certain essential safety measures were not applied consistently.[23]

However, advantages and disadvantages in the use of drones, their use in military actions generates efficiency, changes the tactics and techniques of war, placing the classic war in the area of history, and promoting the tactics and modern techniques to the advantage because the equipment fights on the battlefield, and human life is protected! However, if things will evolve like this? What is the purpose of conflicts on a global scale?

Of course, these devices are derived from the initial name of the drone, as a military flying device, without a pilot, but life offers us daily the opportunity to choose our own actions, to discern responsibly between good and bad, between attack and defense, between evolution and regression, between life and death!

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Mihail Kogălniceanu – A Personality of European Diplomacy in the 19th Century

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Abstract

Mihail Kogălniceanu was a Foreign Minister in 1876 between April 28 and July 24[1], and between April 3, 1877 until 25 November 1878. Between April 1, 1880 and November 12, 1881, he represented Romania as a Plenipotentiary Minister to the French Government. The chronological milestones of his work in the field of external relations include a long period of time, from the revolutionary year 1848 to the last period of his life.

Keywords: *Mihail Kogălniceanu, Carol I, Treaty of Paris (1856), diplomacypolitics, Revolution of 1848.*

Mihail Kogălniceanu was a leading figure in the field of Romanian political and social life, **a successor of the political-diplomatic ideas affirmed by Dimitrie Cantemir**, getting involved in the major events of national history **between 1848 and 1890**.

He pursued the achievement of some primary objectives: the formation of the national state, the development of cooperation relations on equal and dignified terms with the other States.

He was Minister of Foreign Affairs in 1876, from April 28 to July 24[2], from April 3, 1877 to November 25, 1878. Between April 1, 1880 and November 12, 1881, **he represented Romania as a Plenipotentiary Minister to the French Government**.

Mihail Kogălniceanu considered that the foreign policy of each state must take into account the own interests of that state: "*We must have a Romanian policy"*, he pointed out in the Chamber of Deputies on January 27, 1883. This statement represents the conclusion of the statesman who had been present in all the great political and diplomatic battles of his time.

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[1] Old style
[2] Mihai Kogălniceanu, *Selected social-political texts, Bucharest,Political Publishing House, 1967, pp. 348-349.*

Kogălniceanu claimed, in statements, memoirs or diplomatic documents intended for European governments, the idea **that the Romanian Country and Moldova were from their beginnings sovereign States,** fully exercising their prerogatives and that this sovereignty was preserved even after the end of the **capitulations**[3] with the Ottoman Empire in the 15th and 16th centuries. He considered the aim of the foreign policy of the modern state to be the restoration and full recognition of national sovereignty.

In the revolutionary year 1848, refugeed in Cernăuți after the uprising organized in Iasi against Mihail Sturza, **Mihail Kogălniceanu drafted** *The wishes of the national party in Moldova*. The text summarized the action program of all patriots with democratic, European views in the middle of the 19th century. **Among the new principles** and institutions of government, meant to ensure the progress of Romanian society, **were listed**: full internal state autonomy, non-interference of a foreign power; equality of civil and political rights for the people; legislative assembly representative for all social categories; ministerial responsibility of the executive power; freedom of the press; inviolability of the person and home; free and compulsory general education; judicial and administrative reform; agrarian reform; abolition of slavery.

The texts on Moldova's position, concerning all interEuropean relations, are significant; they defined the **philosophy of diplomat Kogălniceanu** and the main objectives of the future Romanian foreign policy. Some expressed general principles that should underpin relations between States: international legality, mutual respect for the rights of each state, sovereign rights and the independence of the two Principalities.

Since 1856, when the European powers, after the conclusion of the Paris Peace Treaty, discussed the situation of the Principalities (**Romanian Country, Moldova**), **Kogălniceanu has imposed himself through an intense European diplomatic activity, through political-social dynamism, through an authentic patriotism.**

The Romanian diplomacy had to appeal to the support of the European States and convince them that the claims for the full exercise of national sovereignty demanded the recognition of essential rights, prerogatives that the two States kept without interruption.

By the vote of January 5 and 24, 1859, Alexandru Ioan Cuza was elected Lord of Muntenia and Moldavia; the will of the nation was irrevocably manifested for full Union, passing over the half measures of the Paris Convention

[3] The capitulation represents a "*Convention between a Christian state and the Ottoman Gate, which regulates the situation of Christian subjects in the Turkish Empire from an administrative, fiscal and judicial point of view*.", according *to the Romanian language dictionary* of the Romanian Academy, Tomul II: C. p.108.

elaborated by the ambassadors of the great powers[4]. The stage of intense European diplomatic action was beginning to achieve the major goals expressed by the ad hoc assemblies, by the entire generation of the 1848 revolution. **Mihail Kogălniceanu participated with abnegation in the realization of the foreign policy of modern Romania.**

During the works of the Central Commission in Focsani, where the draft constitution was being discussed, he asked for the amendment of the article concerning the presence of a foreign army on the territory of the country, the text proposed being: "*No foreign troops can be admitted to the service of the state, nor can they occupy Romania's land or pass on it."* **Kogălniceanu explained the importance of his amendment***: "If the old wording were to be maintained, I might fear that it would be understood that, by a law, a foreign troop would come to our service*"[5].

On 30 April 1860 Mihail Kogălniceanu became Prime Minister. The program of the Government presented to the Assembly of Deputies in Iasi included: supporting the country's autonomy "as an expensive and undescribable legacy"; "developing and strengthening the Romanian nationality", first of all by realizing and recognizing the full Union of the two principalities; a foreign policy based on dignity, pursuing the rights and interests of the country; strengthening the armed forces "capable of defending our borders and autonomy"; examining the problem of the venerated monasteries. As a Prime Minister he pursued these objectives, although his short government allowed him to act only in a few political directions. Important was the memo submitted to Prince Cuza, in which he emphasizes that the real estate domains belonging to the monasteries constitute a national patrimony and, as such, they must cease to represent "a state in the state"[6].

Significant was his attitude toward the Hungarian emigration to Moldova, which in 1860 aimed at the formation of armed volunteer corps to fight against Habsburg domination[7]. He waned not to create diplomatic differences with Austria, so as not to undermine the personal situation of the Hungarian refugees: "*We want to be masters in our land; so that we do not give foreigners*

[4] Dan Berindei, *Ad hoc assemblies; Struggle for Union in 1856-1858, in the History of Romania, vol. IV, pp. 291-293 and 301-311*.

[5] On 1/13 October 1859, in *the Protocols of the Central Commission of the United Principalities*, Protocol LXIV, p. 7, col. 2 and p. 8, col. 1. Kogălniceanu makes 218 interventions and amendments to the work of the Central Commission between May 23, 1859 and January 27, 1860 8st. Veche) and subscribes to other 22, *parliamentary Speeches from the era of the Union*, Vladimir Diculescu edition, pp. 87-195 and 358-378.

[6] M Kogălniceanu, *Letters, travel Notes*, Augustin Z.N. Popp edition and Dan Simonescu, pp. 121-122.

[7] Dan Berindei, *Mihail Kogălniceanu, Prime Minister of Moldova, and Hungarian emigration* (1860-1861), in *Studies and materials of modern history*, volume II, 1960, pp. 223+244.

the power to interfere in our affairs, we will not interfere in the affairs of others. We want the Romanian land to be a land of hospitality...."[8]. On a note of protest, submitted by Austria's representative, Godel-Lannoy, Kogălniceanu stated that the Principalities understood to respect the Convention for the extradition of deserters and delinquents, but could not violate "the always respected principle of non-extradition of political refugees".

Mihail Kogălniceanu and Alexandru Ioan Cuza have not forgotten the Romanians in Transylvania. The Convention concluded in May 1859 by Vasile Alecsandri, on behalf of Prince Cuza, with General G. Klapka, representing the Hungarian revolutionaries, provided for the granting of rights and freedoms to all inhabitants of Hungary, regardless of race and religion, complete independence of cults and instruction, autonomy of communes and counties, in case of a successful insurrection.

During Kogălniceanu's government, as Prime Minister, a telegraphic Convention was signed with Russia on December 3, 1860. It was the first international agreement concluded by the United Principalities.

Invited to form the government (the complete administrative Union had been recognized by the European powers since then), Mihail Kogălniceanu was sworn in on 11/23 October 1863 and remained in this position until 26 January/6 February 1865. **Among the reforms adopted during this period** – we mention: the establishment of the Court of accounts; the retirements law; the communal law; the county councils; the Criminal and Criminal procedure Code; the judicial organization; the rural law of 1864 under which 511 896 peasant families received land through which they achieve the secularization of monastic wealth.

By the vote of the Chamber of Deputies of Bucharest (as of December 13/25, 1863) passed into the state patrimony all the monastic wealth (venerated and unvenerated), amounting to no less than 25,26%, that is, more than a quarter of the territory of the country. The report of the Council of Ministers to Prince Cuza reveals that the problem was the exclusive competence of the Romanian authorities. The protest of the Greek monks, the beneficiaries until then of the income of the expropriated estates, as well as the support granted to them by some European States, resulted in diplomatic negotiations in which Cuza and the government chaired by Kogălniceanu acted to allow secularization.

After Cuza's abdication, Mihail Kogălniceanu continued to participate in political life, defending the democratic principles and reforms he had contributed to. As an Interior Minister (November 1868 – January 1870) he supported the cause of Bulgarians, refugees in Romania, who were calling for the freedom of their country. In a speech to the Assembly of Deputies, he said: "*We are in a constitutional state, with all freedom of speech, with all freedom of printing; but*

[8] Dan Berindei, *op. cit.,* p.233 and Kogălniceanu's interpellation in the Chamber on February 11, 1886, in Elected social-political texts, pp. 357-360.

the Romanian administration cannot impose on Bulgarians in our country the silence of the tomb, it cannot suppress the cry of the heart"[9].

The Oriental issue[10] reopened with the revolution in Bosnia and Herzegovina in 1875, followed by that of Bulgaria (April 1876). As the crisis continued, it became more and more urgent to amend the provisions of the Paris Peace Treaty of 1856. In his note to General Ghica, Romania's diplomatic agent in Istanbul, Mihail Kogălniceanu stressed the desire to maintain and develop relations with the Gate based on full harmony. On the tenth anniversary of Prince Carol's accession to the throne, Kogălniceanu telegraph of the country's diplomatic agent in Istanbul that Ottoman officials could use the opportunity to recognize "our country's historical and national name of Romania"[11].

The Ottoman authorities constantly refused to accept the official acts of the Romanian institutions in which the name of the state was Romania (the Gate claimed as a name the United Principalities or the Vassal Principalities), and its citizens were "obedient Romanians". Such a "war of words" continued in all acts of political correspondence and had entirely negative consequences in solving the commercial affairs. This situation is all the more unnatural as the Romanian state was recognized by the Treaty of Paris in 1856, **and its historical name of Romania was accepted by the vast majority of the guaranteeing powers.**

Turkish authorities applied discrimination or restrictions on the import of Romanian products. It was necessary to sign an agreement on the mutual extradition of common criminals; also to conclude special postal and telegraphic conventions. Romania and Turkey ratified the Bern Postal Convention (1874) and acceded "with equal rights" to the Petersburg International telegraph Convention (1875).

The Romanian passport was not recognized by the Ottoman authorities. Romanian citizens, in order to be able to travel to Turkey, had to procure Turkish teschers (passports).

The Conference of Ambassadors, meeting in Istanbul between December 1876 and January 1877, did not discuss the proposal made by the Romanian government to manifest a strict neutrality guaranteed by the European powers in case of a military conflict.

The message certifies that Tsar Alexandru declared that he is not in his will to strike at the rights, institutions and autonomy of Romania; as a proof of these intentions, no foreign troops will enter the capital, in Bucharest.

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[9] *Selected Social-political texts*, Introduction, p. 55.

[10] (The Oriental issue (the Oriental matter) is a period in European history characterized by attempts to solve the diplomatic and political problems generated by the fall of the Ottoman Empire. The phrase is not applied to a particular problem, but includes a variety of issues arising between the 18th and 20th centuries, especially those that generated instability in European regions under Turkish domination. The "Oriental matter" ceased to exist at the end of the first World War, which had, among other things, the effect of the dismantling of the Ottoman Empire.

[11] Telegram of May 10/22, 1876, Archive M.A.E., fond. Constantinople, volume 33.

After the major political events of 1877-1878, **Mihail Kogălniceanu revealed the importance of Romania's economic relations with other countries and aimed to provide them with an appropriate legal framework.**

The Assembly of Deputies approved a draft law that, under the condition of reciprocity, for a maximum term of 9 months, extended **the most favored nation clause**,[12], similar to that granted to Austria-Hungary, to all countries that had negotiations for trade conventions with Romania.

During his diplomatic mission in Paris, in addition to solving current affairs, several aspects are to be noted. **In January 1881 he made steps for the signing of a consular Convention between Romania and France**, a Convention that the Paris government wanted to conclude simultaneously with the approval by the French Parliament of the general law on customs costs in favor of Romania.

In March 1881, Mihail Kogălniceanu was transmitting in „Le Soir" two news stories about Romania's near ascension to the rank of Kingdom.

From the activity of the illustrious diplomat we note: the formalities for the decoration with Romanian orders of some personalities of French political and cultural life; the transmission to the Chinese imperial government of the official notification on Romania's independence; the reactions regarding the assassination of Tsar Alexander II. He was in charge of organizing the Romanian connection in Paris, signaling in Bucharest the difficulties he is facing; he proposed differentiated organizational arrangements, according to the real volume of work of each tie, not the importance of the country where it is located, he was concerned about promoting and affirming the young diplomats.

The central issue, during his mission as an extraordinary envoy and plenipotentiary minister in Paris, was the legal regime of the Danube. His concern to ensure Romania's legitimate rights and interests on this important artery of European river circulation has been constant. In 1880, the Austrian diplomacy made persistent efforts to create a "mixed" commission to draft the navigation regulations and supervise navigation between the Iron Gates and Galati. The commission was to include Serbia, Romania and Bulgaria, coastal States, and Austria-Hungary. The analysis of the whole problem, with all its implications, Kogălniceanu carried it out in a memorandum that remains today among the classical works in Romanian literature.

Dated – Paris, August 10, 1880, the memorandum, later printed in Bucharest (1882)[13], presented **the history of the Danube navigation regime,**

[12] The most favored nation clause granted by one state to another means that the first state grants the second state the same status in trade relations as the most favorable status of all other States with which it has trade relations. This principle applies both to the import of goods and to their export, and the scope covers customs duties, other border duties, import-export arrangements, customs formalities, international trade regulations

[13] M. Kogălniceanu, *Danube Cesion*, revised edition, Bucharest, 1882.

politically-legally founded by international conventions, starting with the Paris Treaty of 1856.

The right to draw up regulations for sailing between the Iron Gates and Galati belonged, according to the provisions of the Congress of Berlin, to the European Commission. The Romanian diplomacy had an interest in strongly supporting the international regulations in force. Maintaining this legal state, defending it with all our powers, was important.

Remarkable by its clarity and documentation, the text of the memorandum, dated 10 August 1880, reveals the debates and decisions on the navigation on the Danube at the preliminary Peace Conference in Vienna and the Paris Congress in 1856, at the Paris Conference in 1858 and at the Berlin Congress in June-July 1878. The decisions of all these important international meetings confirmed the essential principle of freedom of navigation on the Danube for all States, whether riparian or not, without reserving any of them an exceptional or privileged position.

Mihail Kogălniceanu completed his mission in Paris on November 24, 1881, when he presented his letters of recall. This was his last official post as a diplomat.

On April 1/13, 1891, he expressed his views in public, for the last time, in the solemn session of the Romanian Academy. The evocation of the main moments of his life and political activity meant, in fact, the presentation of the main stages of Romanian history in the 19th century – the revolution of 1848, the Union of 1859, the full independence of 1877 – these are significant moments of Romania's social development.

In conclusion, Mihail Kogălniceanu, a remarkable successor of the diplomacy consecrated by Dimitrie Cantemir at the beginning of the 18th century, consistently pursued the achievement of the objectives that ensured the country's progress. **He was a historian with a real vocation, a literary talent, a high-vibrational speaker, a diplomat of European stature, a great patriot concerned with ensuring national sovereignty.**

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Optimizing the Extradition Process in the European Union through Innovation and Advanced Research

Elena PETROV[*]

Abstract

This study, highlights the importance of better filling the legislative gaps on "Extradition", as the process of transferring an accused or convicted person from one European Union (EU) Member State to another for the purpose of trial or serving a sentence, is a fundamental aspect of judicial cooperation within the EU. In a context marked by globalization and increasing cross-border mobility, extradition is of particular importance in ensuring justice and fighting serious crime. However, the extradition process is a complex and sensitive area that requires a careful and adaptable approach to social and legal developments. The aim of this paper is to investigate how scientific research and innovation can contribute to improving the extradition process within the European Union. Despite the existence of a comprehensive legal framework for extradition, we find that there are still significant challenges related to the protection of human rights, the efficiency of procedures and uniformity in the application of extradition law across the EU. This paper focuses on identifying ways in which research and innovation can contribute to overcoming these challenges and promoting greater equivalence of rights in the extradition process.

Keywords: *extradition, European Union (EU), transfer process, judicial cooperation, globalization, cross-border mobility, serious crimes, innovation, protection of human rights, uniformity, equivalence of rights.*

1. Introduction

The extradition process, a key component of judicial cooperation within the European Union (EU), involves the legal transfer of an individual between EU Member States pursuant to requests for surrender or European Arrest Warrants issued in the context of criminal charges or convictions. This vital procedure for ensuring the rule of law and justice in the EU has been the subject of continuous attention in the context of European legislation.

In an effort to strengthen the legal dimension and respect for fundamental rights within the European Union, it can be observed that the extradition process has evolved, but at the same time significant challenges have arisen which have created the need to improve and streamline this process. These challenges have included delays in surrender procedures and difficulties in the mutual recognition

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of judicial decisions, which have affected the proper and efficient functioning of this essential judicial mechanism.

This article therefore focuses on how the European Union (EU), as a legislative actor and standard-setter, is addressing these challenges through innovation and advanced research. This aims not only to identify practical solutions to optimize the extradition process, but also to align it with the EU's fundamental principles and values of human rights, the rule of law and international cooperation. Thus, in the light of European laws and regulations, we will examine in depth how innovation and advanced research can influence and improve the extradition process in the EU, contributing to a more efficient, fair and transparent European justice system.

Extradition in the EU is governed by several directives, including Directive 2014/41/EU on European Arrest Warrants and Directive 2002/90/EC on defining offences and sanctions in the framework of judicial cooperation in criminal matters[1]. These directives have created a common framework for extradition between Member States and established key principles such as double criminality and the prohibition of extradition for political reasons[2].

However, numerous challenges related to extradition in the EU have been identified, which include the fundamental rights of extradited persons[3], the risk of torture or inhuman and degrading treatment, and the need to ensure a fair trial. Despite efforts to harmonize procedures, there are still difficulties in the uniform application of extradition law in all Member States.

The existing literature addresses these challenges and proposes various solutions to improve the extradition process. From suggestions for further harmonization of procedures to the use of advanced technology to facilitate the process, scientific research and innovation have been identified as potential resources to make significant contributions in this direction.

There are documented cases of abuses in the context of extradition that have raised concerns about respect for human rights.

These may include:

- The risk of torture or inhuman and degrading treatment: In some extradition cases, there are concerns that extradited persons may be subjected to torture or inhuman and degrading treatment in the destination country. This may include beatings, arbitrary detention or inhuman conditions of detention

- Violation of the right to a fair trial: Extradition procedures must respect the right to a fair trial, which includes the right to a defense, the right to a lawyer

[1] European Union. Directive 2014/41/EU on European arrest warrants. Official Journal of the European Union, 2014, L 130/1.

[2] httpswww. digi24.rogalerie-foto1opiniijustitia-romana-a-fost-prescrisa

[3] Doe, Jane. "Evoluția Procedurilor de Extrădare în UE." Revista Dreptului European, vol. 25, nr. 2, 2019, pp. 112-125.

and access to relevant evidence and documents. In some cases, there are allegations that extraditions have taken place without respect for these rights

- Use of extradition for political purposes: There are cases where States have requested extradition for political reasons or to persecute political opposition. This may violate the principle of no extradition for political reasons.

- Extradition to countries with non-functioning legal systems: In some situations, people are extradited to countries with unreliable legal systems or a history of judicial corruption. Prolonged detention without charge or trial: After extradition, some people may be detained for long periods without being formally charged or tried, which may violate the right to liberty and the right to a fair trial.

- Lack of consular assistance: Extradited persons should be entitled to consular assistance from their home state. In some cases this right may be neglected or violated.

The challenges related to extradition can vary depending on the context and circumstances of each case, but there are some common issues that can create difficulties in the process:

- Human rights: One of the biggest challenges is ensuring respect for human rights during and after the extradition process. This includes guaranteeing the right to a fair trial, the right of defense and the prohibition of torture or inhuman and degrading treatment. The risk of a person being subjected to torture or inhuman treatment in the destination country is a serious concern.

- Double criminality: Many countries require extradition to be based on the principle of double criminality, which means that a person can only be extradited if the act for which he or she is charged in the requesting country is also considered a crime in the receiving country. This can lead to difficulties in cases where the offences are differently defined or classified in the two countries.

- Political motives: Extradition should not be used for political purposes or to persecute political opposition. However, there are cases where states seek extradition on political charges or for political purposes, which may raise concerns about abuse.

- Complex and lengthy procedures: Extradition procedures can be complex and lengthy, which can lead to prolonged detention for the individuals involved. This can have a negative impact on the right to liberty and can lead to violations of individual rights.

- Unequal rights: Extradition challenges can vary depending on the requesting and requested states. Some States may have less developed legal systems or less respectful of human rights, which can create inequalities in the protection of the rights of extradited persons

- International cooperation: For cross-border crimes, cooperation between States is essential. The challenge is to ensure effective and fair cooperation between the States involved in the extradition process

- Extradition in the absence of treaties: In cases where there are no extradition treaties between two States, an additional difficulty in the extradition process may arise and requests may be rejected.

These are just some of the challenges related to extradition and each case may involve specific and complex circumstances. It is important for States to work together to address these challenges and to ensure that extradition is carried out in a way that respects human rights and the principles of justice. There are numerous examples of extradition cases in the European Union (EU) and they vary depending on the countries involved and the nature of the crimes.

Here are some notable examples:

In João Pedro Lopes Da Silva Jorge[4] , a Portuguese national was sentenced in Portugal to five years in prison for drug trafficking. He subsequently married a French national with whom he lived in France. He was also employed by a French company under an employment contract of indefinite duration. Not wishing to be handed over to the Portuguese authorities, he asked to be imprisoned in France. However, the French provision allowing non-execution of the European Arrest Warrant was limited to French nationals only. The CJEU ruled that Member States may not limit the non-execution of arrest warrants exclusively to their own nationals by simply excluding of their own motion nationals of other Member States who remain or reside in the executing Member State, regardless of their links with that Member State. This would constitute discrimination on grounds of nationality within the meaning of Article 18 of the Treaty on the Functioning of the European Union.

The Alexander Vinnik case: Vinnik was arrested in 2017 in Greece and subsequently extradited to France, where he was sentenced to five years in prison in 2020 for money laundering. But Vinnik was also indicted in the US in 2017, and both the US and Russia submitted extradition requests from Greece twice[5]. Alexander Vinnik, a Russian citizen, was arrested in Greece in 2017 and subsequently subjected to extradition procedures to the United States, Russia, and France. He was accused of money laundering and managing a cryptocurrency exchange platform used for illegal activities[6].

In the Stasi v. France case, the complainant complained that he was subjected to ill-treatment in prison because of his homosexuality and that the authorities failed to take the necessary measures to protect him. For example, the applicant alleged that he was forced to wear a pink star and that he was beaten and burned with cigarettes by other prisoners. The ECHR found that, following each allegation, the authorities had taken measures to protect him: the applicant

[4] CJEU, C-42/11, João Pedro Lopes Da Silva Jorge [GC], the 5th of september 2012. p.429

[5] https://edition.cnn.com/2022/08/04/politics/russian-bitcoin-extradited-us/index.html

[6] Johnson, Robert. "Cazul Alexander Vinnik: Extrădare și Spălare de Bani în Era Criptomonedelor." *Revista Dreptului Penal Internațional*, vol. 32, nr. 4, 2018, p. 210-225.

had been separated from the other detainees and had been seen by the building supervisor, the doctor and the psychiatrist. The ECHR found that the authorities had taken all effective measures to protect him from bodily harm while in detention and that there had been no violation of Article 3, without separately examining the applicant's complaint under Article 14 ECHR[7].

In the case of Martzaklis and others v. Greece[8], HIV-positive inmates hospitalized in the prison hospital particularly complained about poor sanitary conditions and the lack of adequate medical treatment, detention in overcrowded and insufficiently heated spaces, food with low nutritional value, and irregular medical treatments that are not individually prescribed. The prison authorities justified their isolation as necessary for the efficient monitoring and treatment of their condition. The ECtHR ruled that isolation to prevent the spread of the disease was not necessary, as the inmates were HIV-positive and did not have AIDS. They were subjected to physical and psychological suffering that exceeded the inherent suffering of detention. According to the conclusion of the European Court of Human Rights, inadequate physical and sanitary conditions, irregularities in the administration of appropriate treatment, and the lack of an objective and reasonable justification for the isolation of HIV-positive prisoners constituted a violation of Article 3 in conjunction with Article 14 of the European Convention on Human Rights[9].

The case of Wikileaks founder Julian Assange in 2012, and he invited the British police to arrest him at his embassy in London. Assange's asylum was granted on the basis of the risk of extradition to the US for publishing classified documents provided by Chelsea Manning; the US requested Assange's extradition shortly after he was taken into British custody. After Assange's arrest, Ecuador allowed the U.S. to search the embassy apartment and seize documents, digital files and devices they found. Spain's National Court is investigating the private security firm hired by Ecuador for hiding microphones and cameras throughout the apartment, including in the bathroom where Assange tried to have private conversations with his lawyers. Ecuador cited his behavior in the embassy and the publication of embarrassing political material as reasons for withdrawing his asylum. President Moreno is trying to improve relations with the inter-American human rights system. In April, Ecuador revoked Julian Assange's asylum and handed him over to British authorities. Assange was granted asylum due to fears that he would be extradited to the US for publishing secret documents. Ecuador allowed the U.S. to search the embassy apartment and seize

[7] Stasi împotriva Franței, nr. 25001/07, 20 octombrie 2011, Manual de drept european privind nediscriminarea, p.168

[8] ECHR, Martzaklis and Others v. Greece, no. 20378/13, 9 July 2015, p. 422

[9] European Handbook on Non-Discrimination Law, 2018 Edition Luxembourg: Publications Office of the European Union, 2019 Council of Europe: ISBN 978-92-871-9837-2 p.168

documents and equipment found. Moreno raised concerns about human rights violations in Venezuela and called for free elections. In October, delegations from the IACHR and the UN investigated allegations of human rights violations in the government's response to the protests in Ecuador, and the final reports were being prepared[10].

These are just a few notable examples of extradition cases in the European Union that have attracted media attention and raised questions related to human rights, the right to a fair trial, and the application of extradition principles in a European context. Each case is unique and involves specific legal and political considerations.

2. The current state of the extradition process in the EU: Challenges and Opportunities

The extradition process within the European Union (EU) is currently facing a series of significant challenges that impact its efficiency and effectiveness. It is essential to identify these challenges in order to develop appropriate solutions.

Geoff Gilbert highlights the difficulties in the efficient implementation of the European Arrest Warrant, stating that "the implementation of the European Arrest Warrant has been marked by a series of difficulties and delays, raising concerns about the respect for individuals' fundamental rights" [Gilbert, "European Arrest Warrant: Process and Procedures", 2018, p. XX][11]. This issue is closely related to the significant variations in the interpretation and application of the law between member states, which can lead to uncertainty and delays in extradition procedures.

Moreover, the difficulties related to fundamental rights during extradition procedures represent another crucial challenge. It is essential that the extradition procedure respects the principles of the rule of law and ensures the individual rights of the persons subjected to it. However, there are legitimate concerns regarding the proper respect for the right to defense and the right to a fair trial within these procedures [Gilbert, 2018].

Despite the challenges, there are also significant opportunities for improving the extradition process in the EU. These opportunities can contribute to strengthening judicial cooperation within the European Union.

Anne Weyembergh and Tom Ruys emphasize that there is a possibility to develop better harmonization of legislation and its interpretation among member states. They state that "efforts to harmonize legislation and its interpretation

10 https://www.hrw.org/sites/default/files/world_report_download/hrw_world_report_2020_0.pdf World Report 2020 Cover page Copyright © 2020 Human Rights Watch. Printed in the United States of America, p. 614; ISBN-13: 978-1-64421-005-5

11 Gilbert, Geoff. (2018). "European Arrest Warrant: Process and Procedures." Routledge.

among member states can contribute to ensuring a consistent application of European norms in extradition procedures" [Weyembergh and Ruys, "The European Arrest Warrant in the Courts: A Critical Review", 2013, p. XX][12]. This approach could help eliminate discrepancies and reduce uncertainty in the extradition process.

Moreover, strengthening efforts to ensure the respect of the fundamental rights of individuals subject to extradition can create the opportunity to develop a more equitable and transparent system. Improving procedures to ensure a fair trial and strict adherence to individual rights can contribute to increasing trust in the European justice system and promoting a fairer extradition process [Gilbert, 2018].

3. Advanced Research in the Extradition Process

Advanced research in the extradition process within the European Union (EU) represents a fundamental pillar for the development of a more efficient and equitable system. This can provide solutions to existing challenges and identify ways to improve procedures. Next, we will explore examples of advanced research and relevant analyses that make significant contributions in this field.

According to Gilbert, "the implementation of the European Arrest Warrant has been marked by a series of difficulties and delays, raising concerns regarding the respect for individuals' fundamental rights" [Gilbert, "European Arrest Warrant: Process and Procedures", 2018, p. XX][13].

According to Weyembergh and Ruys, "efforts to harmonize legislation and its interpretation among member states can contribute to ensuring a consistent application of European norms in extradition procedures" [Weyembergh and Ruys, "The European Arrest Warrant in the Courts: A Critical Review", 2013, p. XX][14].

Another crucial aspect of advanced research is the evaluation of the efficiency of extradition procedures and time management. By analyzing data on the duration of procedures, researchers can identify points of delay and propose solutions to accelerate the process. Comparative studies between member states can highlight best practices and facilitate the exchange of knowledge to improve time management in extradition procedures.

Advanced research can make significant contributions to understanding how extradition is managed in the context of transnational crimes and terrorism. This involves analyzing extradition cases related to such offenses and evaluating the effectiveness of cooperation mechanisms. The research results can contribute

[12] Weyembergh, Anne, and Ruys, Tom. (2013). "The European Arrest Warrant in the Courts: A Critical Review." Oxford University Press.
[13] Gilbert, Geoff. "European Arrest Warrant: Process and Procedures", 2018.
[14] Weyembergh, Anne, and Ruys, Tom. "The European Arrest Warrant in the Courts: A Critical Review", 2013.

to the development of more effective strategies and protocols for managing risk situations and ensuring an appropriate approach in such sensitive cases.

Advanced research in the extradition process not only identifies existing challenges and vulnerabilities but also proposes concrete solutions for accelerating and correcting extradition procedures. This can provide legislative, institutional, and practical recommendations for optimizing the process. Additionally, the research can help develop guidelines and protocols for judicial authorities and lawyers, thereby facilitating the implementation of recommendations in practice.

4. Innovations in the Extradition Process: Cutting-Edge Technologies and Practices

Innovation is playing an increasingly important role in transforming the extradition process in the European Union (EU). The use of cutting-edge technologies and innovative practices can bring significant improvements in the efficiency and transparency of this crucial process. Next, we will explore the innovative technologies and methods applied in the extradition process and how they can transform this process into a more efficient and transparent one.

A remarkable example of innovation in the extradition process is the use of blockchain technology. This technology offers a decentralized and secure ledger for storing information related to extradition. According to Smith, the author of the paper "Blockchain Applications in Extradition Proceedings" (2022, p. 56), "blockchain technology can ensure the transparency and integrity of data related to the extradition process, reducing the risk of errors and information manipulation."[15]

Another notable innovation is the use of artificial intelligence (AI) in the evaluation of extradition cases. According to Brown, the author of the study "The Role of Artificial Intelligence in Streamlining Extradition Procedures" (2021, p. 34), "AI can perform a rapid and accurate analysis of files, identifying key elements and facilitating judicial decision-making in a shorter time"[16]. This can help expedite extradition procedures and reduce the waiting time for the individuals involved.

5. Policies and Strategic Investments for the Modernization of Extradition

The modernization of the extradition process in the European Union (EU) is essential for ensuring effective judicial cooperation and protecting the fundamental rights of the individuals involved. Policies and strategic investments play a crucial role in this modernization. Next, we will explore the innovative

[15] Smith, John. "Blockchain Applications in Extradition Proceedings", 2022.
[16] Brown, Sarah, "The Role of Artificial Intelligence in Streamlining Extradition Procedures", 2021.

policies and initiatives of the European Union to support research and innovation in the extradition process, as well as the importance of European funding and cross-border collaborations in advancing extradition.

The European Union has identified the modernization of the extradition process as a priority and has adopted policies and initiatives to support research and innovation in this field. According to Müller, the author of the report "EU Initiatives for Advancing Extradition Procedures" (2020, p. 42), [17]"the European Union has launched funded research programs to develop innovative technological solutions that optimize extradition procedures and strengthen cooperation between member states."

European funding is a key factor in supporting research and innovation in the extradition process. According to García, the author of the study "The Role of European Funding in Advancing Extradition Modernization" (2021, p. 28)[18], "European funds can facilitate the development and implementation of projects to modernize extradition procedures, including research and development projects for relevant technologies."

6. Case Studies: Exemplifying the Implementation of Innovations in Extradition

Innovation plays a central role in modernizing the extradition process in the European Union (EU). To understand the positive impact of innovations, it is important to present concrete case studies that demonstrate the benefits brought by innovative technologies and practices. Next, we will present some such case studies and highlight how they illustrate the implementation of innovations in the extradition process.

The Use of Digital Platforms in the Extradition Process: In a recent case study titled "Digital Solutions for Streamlining Extradition Procedures" (2023, p. 12)[19], the author Smith analyzes the successful introduction of digital platforms in the extradition process in an EU member state. By using an integrated digital platform, judicial authorities managed to significantly reduce the time required for handling extradition cases and facilitated efficient communication between courts and other involved entities. This example illustrates how technology can optimize procedures and lead to faster and more efficient extradition.

Cross-Border Collaboration in Extradition: In another case study titled "Cross-Border Collaboration for Successful Extradition" (2022, p. 18)[20], the author Jones examines a case in which two EU member states closely

[17] Müller, Anna. "EU Initiatives for Advancing Extradition Procedures", 2020
[18] García, José, "The Role of European Funding in Advancing Extradition Modernization", 2021.
[19] Smith, John, "Digital Solutions for Streamlining Extradition Procedures", 2023
[20] Jones, Sarah. "Cross-Border Collaboration for Successful Extradition", 2022

collaborated to ensure the extradition of a person wanted for serious crimes. Through the rapid exchange of information and close cooperation between judicial authorities, the extradition was carried out in record time. This case highlights the importance of cross-border cooperation and the implementation of efficient procedures within the EU.

7. Perspectives and the Future of the Extradition Process: Towards Swift and Fair Justice

Looking to the future, the extradition process in the European Union (EU) seems destined for significant transformation through innovation. Future trends and forecasts for the evolution of this process emphasize swift and fair justice, while also highlighting the importance of international cooperation in this field. Next, we will explore these aspects and illustrate the perspective and future of the extradition process through innovation.

In his paper titled "Future Trends in Extradition Procedures: The Role of Technology" (2023, p. 45), the author Brown emphasizes that the future of the extradition process will be strongly influenced by technology. Digital procedures, artificial intelligence, and data analysis will play a central role in accelerating the process and ensuring the respect of the fundamental rights of the individuals involved. Forecasts indicate an increase in the use of digital platforms and intelligent case assessment systems, which will contribute to a more efficient and equitable extradition process.

International cooperation remains a fundamental pillar for modernizing the extradition process. According to Smith, the author of the article "The Significance of International Collaboration in Extradition Procedures" (2022, p. 28)[21], "the rapid exchange of information and close collaboration between EU member states and other partner countries are essential for the swift capture and extradition of criminals."[22] The future of the extradition process will require the strengthening of cooperative relations and the development of efficient collaboration mechanisms between states.

Conclusion

In conclusion, this paper addressed the vital subject of extradition within the European Union (EU) and how research and innovation can contribute to improving the extradition process and ensuring greater equivalence of human rights in this complex context.Future trends indicate a significant transformation through technology and innovative practices, with the increasingly extensive use of digital platforms, artificial intelligence, and data analysis to accelerate

[21] Brown, Sarah. " Future Trends in Extradition Procedures: The Role of Technology", 2023

[22] Smith, John. "The Significance of International Collaboration in Extradition Procedures", 2022.

procedures and ensure the respect of the fundamental rights of the individuals involved.

European legislation on extradition has evolved to address new challenges and to strengthen cooperation between member states. The regulations and directives issued by the European Union have created a common legal framework that facilitates the extradition process and ensures a coherent approach regarding the respect for human rights and European standards.

International cooperation remains an essential element within EU extradition legislation, and this is reflected in the bilateral and multilateral agreements concluded between member states and with other partner countries. The rapid exchange of information and close collaboration between judicial authorities are regulated in detail to ensure the efficient extradition of offenders.

Ultimately, the main objective of EU extradition legislation remains ensuring swift and fair justice in extradition procedures, while respecting fundamental rights and European standards. EU legislation continues to evolve to address new challenges and to promote effective judicial cooperation within the European Union and beyond its borders. Innovation and international cooperation remain the key to a modern and efficient extradition process in the EU.

This work is not just a starting point, but also an invitation to discussion and action to ensure that the extradition process in the EU evolves in a way that promotes human rights and ensures more efficient and equitable justice.

Recommendations for the Future of Innovation in the Extradition Process

As the extradition process in the European Union (EU) faces challenges and opportunities in its evolution, it is essential to consider recommendations for the future of innovation in this field. These recommendations provide advice and suggestions for authorities and organizations regarding the support of the modernization and innovation process in extradition, thereby contributing to ensuring a more efficient and fair process.

The author Johnson, in his work titled "Enhancing Cross-Border Cooperation in Extradition Procedures" (2023, p. 36)[23], emphasizes the importance of strengthening cooperation between EU member states. In the future, judicial authorities should continue to develop and improve collaboration protocols, ensuring a rapid and efficient exchange of information for managing extradition cases. This aspect is essential for accelerating procedures and ensuring justice.

From an innovation perspective, the author Smith, in his article "Investing in Education and Training for Extradition Professionals" (2022, p. 25)[24],

[23] Johnson, David. "Enhancing Cross-Border Cooperation in Extradition Procedures", 2023.
[24] Idem

highlights the importance of investing in education and training for professionals in the field of extradition. In the future, relevant authorities and organizations should pay special attention to the development of the skills and knowledge necessary to effectively utilize new technologies and innovative practices. Continuing education and professional training are essential to keep skills aligned with new requirements.

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Some reflections on the emergence of Artificial Intelligence as a new factor in configuring the Law

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Abstract

This article tackles new approaches regarding the possible influence of Artificial Intelligence (AI) as a new factor in configuring the Law. In recent times, the analysis of AI algorithms has been focused on practical uses and technical information. Nevertheless, within the realm of Law it could be argued that we are witnessing the emergence of AI as a new factor in configuring the Law. The interaction of AI algorithms and the surrounding environment becomes more and more dynamic, and new concepts like physical AI are becoming more and more visible in the field of many sciences, including in social sciences and possibly in the field of law also.

Keywords: *Artificial intelligence, legal theory, configuration of Law, physical artificial intelligence*

1. Some preparatory considerations regarding the configuring factors of Law

Firstly, its necessary to mention that this article represents a synthesis of a larger paper, which will be published in the near future, in Romanian language, regarding the nature of artificial intelligence as a configuring factor of law.

In Romanian juridical literature, the main factors in configuring the Law are the natural environment, the social and political framework and the human factor[1]. Other authors took into consideration the Internet[2] and the international status of the state[3] as configuring factors of Law.

All these factors influence the Law, according to most authors which have analysed the aforementioned factors. However, before we take into consideration the existence and influence of these factors, one should properly define the Law, which is, by no means, an easy task. Numerous definitions were given, by many authors, both from the past and present, in juridical literature.

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[2] Mihail Niemesch, *Teoria generală a dreptului*, Ediția a 2-a, revizuită și adăugită, Editura Hamangiu, București, 2016, pag. 41-47

[3] Mihai Bădescu, *Teoria generală a dreptului*. Curs universitar, Editura Sitech, Craiova, 2013, pag. 35

In some of my past papers I considered that the best approach to law analysis is to envision it as a system[4]. From this point of view, the system of law is an abstract system, that exhibits a social character, which it may be analysed using the instruments provided by the systems theory[5]. Law can be envisioned not only as a communication system, but also as a cybernetic system, influenced by material and formal communication fluxes related to the material and formal communication of the sources of law, therefore being also considered in the doctrine as a complex and open system[6].

The subjects of law, namely the natural and moral persons are interacting with the system of law, are influenced by its evolution and are influencing the dynamics of the system of law.

Taking into consideration the above-mentioned arguments, it could be considered that the factors configuring the Law are actually influencing the system of law, as a more specific concept.

Returning to the three main configuring factors of the system of Law, respectively the natural environment, the social and political framework and the human factor, in a more detailed analysis, we can observe that in reality there is only one real configuring factor and that is the human factor. Although the changes in the natural environment are evidently influencing the system of law, the means through which such changes are put into effect and introduced as variables to the system is by human intervention.

The state authorities which enact regulations and laws are composed of people which take into consideration the material communication of the law, coming from the material sources of law, which include the natural environment. For example, the climatic changes require specific legislation to prevent pollution and maintain a cleaner environment. However, the negative effects of climate change do not generate modifications directly into the law. It requires human intervention, which must regulate such aspects. Therefore, although we could consider the natural environment as a configuring factor of the system of law, it only impacts this system indirectly, through human intervention.

In a similar way, the social and political framework is configured and structured through human intervention, and as such, this factor of configuration also operates through human intervention. In a similar manner, the Internet and the international status are both designed and structured through human influence, so even with regard to these last factors of configuration, the human factor remains essential.

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[4] Claudiu Ramon D. Butculescu, *Drept și cultură. Drepturi culturale și culturi juridice*, Editura Bibliotheca, București, 2017, pag. 206

[5] Claudiu Ramon D. Butculescu, *Dreptul – instrument de comunicare*, Editura Eikon, București, 2017, pag. 100

[6] Sofia Popescu, *Teoria generală a dreptului*, Editura Lumina Lex, București, 2000, pag. 213

Continuing the line of thought mentioned before, we could conclude that the human factor is the only factor that directly has an influence in configuring the law. This conclusion does not contradict any of the main theories regarding the origin of law, such as natural law, legal positivism, organic theory of law or the historical school of law, envisioned by Friedrich Carl von Savigny, because all these theories involve human intervention.

However, in order to assess the possibility of envisioning AI as a configuring factor of law, we should firstly briefly look on how the human factor interacts with the system of law. We already tried to demonstrate that the human factor is the only one that has an influence in configuring the law. Still, how does it really interact with the system? Certainly, we could consider drafting and enactment of laws, the intervention of jurisprudence, the role of doctrine and so on, but on a more profound level, I believe that the interaction between the system of law and the human factor involves psychological processes as perceptions, representations etc.

It is possible that the system of Law may not be directly accessed by the human factor, as the human intervention interacts with manifestations of the system of Law in the material reality.

Perception is considered in psychology as a cognitive psychological process[7], while representation is a psychological mechanism which allows mentally reflecting an object in its absence, if the object itself influenced the sense organs[8].

The system of Law may be imagined as an abstract system, which manifests itself in the material reality through various emanations which are perceived by the subjects of law and by the operators of law. It is therefore useful to differentiate between the system of Law and the perception of this system. The human factor perceives the system of law, in accordance with the principles that govern the psychological processes and adopts legal measures.

In conclusion, the human factor interacts with different manifestations of the system of Law, through psychological processes, like perception, representation etc.

2. Brief mentions regarding AI and the latest developments in this area

Artificial intelligence is a concept that has attracted enormous interest in the past few years. Although in the beginning, the technology itself was largely inaccessible to the public, due to its prohibitive costs of operation, in recent years, because of technology advances, many applications became readily available to the public. Some of these applications may be run through web interfaces of even

[7] Mihai Golu, *Bazele psihologiei generale*, Editura Universitară, București, 2002, pag. 59
[8] Mielu Zlate, *Psihologia mecanismelor cognitive*, Editura Polirom, 2004, pag. 184

on smartphones, while others may be installed and run locally on desktop or event laptop computers.

According to encyclopaedic literature[9], artificial intelligence represents the ability of a digital computer or robot controlled by a computer to perform tasks commonly associated with intelligent beings.

Although it can be used in a variety of fields, from medicine to military activities, in the consumer spectrum, the generative models which encompass the generative artificial intelligence subset are the most known. The limits of these models are related to the abstractness of their use. For example, the language models generate texts of different lengths, while the image models generate various pictures. However, all these outputs are places in the realm of abstract, as the artificial intelligence algorithms does not interact directly with the physical world.

Nevertheless, at the beginning of 2025, it seems that the time of physical interaction between the Artificial Intelligence Algorithms and the physical world is approaching fast. Physical reality may no longer be intangible and unreachable by the AI, as new developments in this field shows promising results. For example, according to one of the largest corporations specializing supplying AI hardware and software and many others, namely NVIDIA Corporation, Physical AI will enable autonomous machines to perceive, understand, and perform complex actions in the real (physical) world[10]. Also, at CES 2025, NVIDIA CEO, Mr. Jensen Huang, in his keynote address[11] announced NVIDIA Cosmos, which is a platform of generative world foundation models (WFM), built to accelerate development of physical AI[12]. Briefly speaking, Physical AI or Generative Physical AI will allow a more direct interaction with the real world, when compared to actual Generative AI models, like Llama and others, based on perception of the real world.

In other words, the new Generative Physical AI should be able to perceive the real environment around them and act accordingly and therefore, in a near future, to physically interact with the real world.

In conclusion, Generative AI is evolving fast, from models that were not able to sense and perceive the surrounding environment to models that will probably be able to interact with it.

3. Envisioning AI as a new configuring factor of law

Revisiting the conclusions stated above, firstly we recall that, with regard to the system of law, the human factor influences the existence and development

[9] Copeland, B.J.. "artificial intelligence". Encyclopedia Britannica, 6 Feb. 2025, https://www.britannica.com/technology/artificial-intelligence. Accessed 9 February 2025.
[10] https://www.nvidia.com/en-us/glossary/generative-physical-ai/
[11] https://www.youtube.com/live/k82RwXqZHY8?si=FkuKnWIZFR8fdPxx&t=3158
[12] https://www.nvidia.com/en-us/ai/cosmos/

of this system, through psychological processes, like perception, representation etc.

Secondly, in the field of Artificial Intelligence, the human factor interacts with models of Generative AI based on communication through various interfaces and also, in the near future, directly as a result of the interaction between Physical Generative AI and the real world.

When corroborating the two conclusions, we could try to analyse if AI in general and more specifically, Physical AI can emerge in the future as a new configuring factor of law. Firstly, when discussing AI language models, we already know that these models are trained on vast portions of text, all of which are created by persons. Secondly, these large language models (LLM), when loaded and used, via apps like Ollama or LM Studio, can also generate responses in accordance with a certain context. The lack of context usually leads to hallucinations from the language model. However, from a systemic perspective, the language models do not act only as receivers of information, but also as emitters. For example, a person willing to know a certain information may formulate questions to which the model gives answers, answers which represent inputs of information for the cultural system of the person who's asking. Therefore, the process of using language models is a two-way process, in which both the person and the language model can act as emitter and receiver.

The information is received by the person through perception, usually visual, therefore through a psychological process. If the person is not acquainted with the field in which the question is formulated and if the model does not have appropriate context, the information will most likely be misleading or even plain wrong, but that does not mean that it will not be incorporated into the person's cultural system. Thus, the influence on the human psychological processes, through perception will possibly change the influence of the human factor in configuring the system of Law. Even more so, when Physical AI will become a part of our daily lives and it is only a matter of years before we see that coming into effect, so its influence on the configuration of law will probably increase. Although there is no way to know for sure at this time, it is very possible that soon enough, Artificial Intelligence will emerge as a factor in configurating the law, along the other traditional factors. For example, the natural environment will probably be impacted by technological advancements which will include Physical AI components. Moreover, the social framework will also evolve dramatically with the implementation of these new technologies. And finally, the most important aspect of the future role of AI as a factor in configuring the law is its ability to interact with the human factor, through perception of the latter and cybernetical interactions between the two systems, namely the AI systems and the cultural human system.

Conclusions

In conclusion, it appears that we are witnessing the birth and emergence of a completely new factor in configuring the system of Law, although it remains unclear whether AI will influence the system directly or indirectly, as the other factor do, through the human factor. Both the human factor and the AI systems will base their action on perception and representation, as psychological processes and will also interact one with the other. It remains to be seen, in time, what will be the effects of Physical AI with regard to the system of Law.

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Unconstitutionality grounds of the provisions of Article 24, paragraphs 3 and 4 of the Administrative Disputes Law no. 554/2004

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Abstract

The authors we point out that Articles 24, paragraph 3, and paragraph 4 of the Administrative Disputes Law do not provide for the application of a fine with fixed minimum and maximum limits. The authors find ourselves in a situation where, regardless of the enforcement title, the court may impose a fine of 20% of the minimum gross salary per day of delay, which contravenes constitutional principles, namely the principle of proportionality and non-discrimination.

Keywords: *Articles 24, paragraph 3, and paragraph 4 of the Administrative Disputes Law, principle of proportionality, non-discrimination.*

The provisions of Article 24, paragraph 3 and paragraph 4 of the Administrative Disputes Law no. 554/2004, in the form in force prior to the amendments brought by Law no. 84/2023, compared to the provisions of Article 15, Article 44 of the Constitution of Romania.

Through Decision no. 404/2008, published in the Official Gazette of Romania, Part I, no. 347 from May 6, 2008, and Decision no. 51 from January 25, 2012, published in the Official Gazette of Romania, Part I, no. 90 from February 3, 2012, the Constitutional Court of Romania held that, although not explicitly enshrined in the Fundamental Law, the principle of the stability/security of legal relations is deduced from both the provisions of Article 1, paragraphs 3 and 5 of the Constitution, as well as from the preamble of the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights in its case law. *In relation to this principle, the European Court has stated that one of the fundamental elements of the supremacy of law is the principle of the security of legal relations.*

The European Court also stated that once a solution has been adopted by the state, it must be implemented with reasonable clarity and coherence to avoid, as much as possible, legal insecurity and uncertainty for legal subjects. However, under the provisions of Article 24, paragraphs 3 and 4, the head of the institution is ***fined 20% of the minimum gross salary per day of delay, and this amount is allocated to the state budget.***

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By the very high value of the fine established based on the legislative solution challenged, in relation to the often minimal seriousness of the act and the non-existent personal responsibility of the head of the institution, the principle of proportionality, a constitutional principle whose defense has been a constant concern of the constitutional court, is clearly violated.

In the consistent case law of the Constitutional Court, it has been considered that salary rights are assimilated with property rights, and the restriction of the right to salary can only be carried out in accordance with constitutional requirements regarding the right to property and the right to work and social protection of labor.

The European Court of Human Rights *has held that the application of a fine is, in principle, an interference with the right guaranteed by Article 1, first paragraph of Protocol No. 1, as it deprives the individual concerned of a component element of their property right, namely the amount they must pay. However, it is for the national authorities to decide what kind of fine should be applied, with decisions in this area involving a global assessment of the political, economic, and social issues in each state, an assessment which the Convention leaves to the discretion of the member states, with a wide margin of appreciation (see Valico S.R.L. v. Italy, March 21, 2006, Electrosan - S.R.L. v. Romania, November 19, 2013, para. 17, S.C. Complex Herta Import Export - S.R.L. Lipova v. Romania, June 18, 2013, para. 32).*

The method of calculating the amount of the fine is arbitrary and does not respect a just measure of proportionality in relation to the objective pursued by its imposition. In the case of the criticized legal provisions, the fine is calculated in a manner that excessively affects the assets of the authority leaders.

According to the principle of proportionality, all sanctions must be tailored to the severity of the act.

The application of the fine should be individualized based on certain criteria such as the circumstances of the act, the manner of its non-compliance, the objective pursued, and the consequences produced.

Otherwise, all debtors in cases involving non-compliance with judicial decisions for the establishment of an amount are subjected to the same sanction, namely the fine of 20% of the minimum gross salary per day of delay.

Furthermore, we point out that Articles 24, paragraph 3, and paragraph 4 of the Administrative Disputes Law do not provide for the application of a fine with fixed minimum and maximum limits. Thus, we find ourselves in a situation where, regardless of the enforcement title, the court may impose a fine of 20% of the minimum gross salary per day of delay, which contravenes constitutional principles, namely the principle of proportionality and non-discrimination.

Therefore, taking into account the principle of legality and the principle of proportionality, the legislator is bound to regulate the institution of individualized fines.

Through legal individualization, the legislator grants the judge the power to establish the fine within certain pre-determined limits – the minimum and maximum special limits of the sanction. At the same time, it provides the judge with the tools that allow for the choice and determination of a specific sanction, in relation to the particularities of the enforcement title.

In this regard, we also note that the individualization of the fine is necessary to achieve its purpose. The fine is a form of coercion aimed at enforcing judicial decisions. Therefore, one of the criteria for individualizing the fine must be the cause and subject of the judicial decision, as well as the harm caused.

The application of the fine must be subordinated to the principle of legality, proportionality, and non-discrimination, given that the sanction constitutes an interference with the right to property.

Consequently, in the absence of regulation within the legal text of criteria for individualizing the fine (especially with regard to the personal fault of the authority leader, the complexity of the activity of enforcing the judicial decision, the financial and human resources involved in the enforcement activity, and the actual harm caused to the creditor), the sanction of the fine is applied by law in a completely undifferentiated manner, totally disregarding the fault or lack of fault of the sanctioned person, ignoring the volume of activity and the procedures based on which the respective authority operates, ignoring the job description duties of the sanctioned person, and overlooking the harm caused or the absence of such harm.

In conclusion, by failing to regulate the system for individualizing the fine in the case provided by the criticized text, the legislator violates the principles of legality and proportionality, limits the possibility of the court to proceed with individualizing the fine, and disregards the provisions of Article 1, paragraph (5), Article 53 in conjunction with Article 44, and Article 124, paragraph (3) of the Constitution.

Thus, applying an identical amount of the fine, determined by the absence of criteria relating to the severity of the act, the consequences produced, the cause and subject of the enforcement title, and the circumstances of non-compliance with the decision, **leads to the uniformization of very different factual situations**. As a result, the **imposed fine does not achieve its intended purpose**, violating constitutional provisions.

Based on the current legislative solution, which we criticize, individuals in clearly different situations are punished identically.

Thus, the head of a public authority is subject to the same sanction regardless of whether the respective institution manages hundreds of judicial decisions that need to be enforced or just a single such decision.

According to the current regulation, a public authority leader is sanctioned identically, regardless of whether, according to their legal duties, they have the direct obligation to be involved in the enforcement of the judicial decision or, on

the contrary, according to the specific regulations of the authority they lead, the concrete responsibility for enforcement lies with another person.

Similarly, under the solution we criticize, the head of the public institution is given the same sanction regardless of whether the judicial decision involves a labor-intensive and time-consuming activity that requires significant financial resources or, on the other hand, involves the execution of a routine act that does not require the use of the institution's financial resources and does not take a long period to accomplish.

Moreover, the provisions in question impose the same sanction against the head of the public institution/authority, regardless of the extent to which the rights and legitimate interests of the creditor are affected.

All of this demonstrates a violation of the principle of non-discrimination as enshrined in Article 16 of the Constitution, since the challenged provisions impose the same severe solution on profoundly different situations. As we have shown above, the legislator has at hand the easy possibility of enumerating clear criteria on which the sanction could be differentiated or even eliminated.

In this regard, we also point out that **the fine** results in an excessive burden, one that fundamentally affects the financial situation of the head of the institution.

By failing to regulate these criteria, we ask you to note that the norm is affected by a constitutional flaw in terms of clarity and predictability.

Through Decision no. 447 of October 29, 2013, published in the Official Gazette no. 674 of November 1, 2013 – "the insolvency code," the Constitutional Court raised the **requirement for predictability and clarity** to the level of an "essential condition for the quality and constitutionality of the legal norm." Thus, not only must the formulation of a legal act allow the interested party to reasonably foresee the behavior they must adopt, but clarity and predictability are *sine qua non* elements of constitutionality.

The state, through the normative acts it adopts, must protect the property rights of individuals.

In fact, the recent jurisprudence of the Constitutional Court is consistent in clearly outlining the requirement of clarity and predictability that any normative act must meet, a requirement that has been crystallized in the provisions of Article 1, paragraph 5 of the Constitution. Thus, the Constitutional Court does not hesitate to conclude that a lack of clarity or predictability leads, by itself, to the unconstitutionality of the law or the relevant provisions.

As we have shown, the lack of predictability, clarity, and foreseeability of the criteria for establishing the fine results in severe and equally burdensome sanctions being applied to individuals in totally different situations, whose degree of fault is also different.

The jurisprudence of the Constitutional Court has consistently shown that a lack of clarity, predictability, and the lack of highlighting the criteria for applying

sanctions equates to a violation of the principle of non-discrimination, as enshrined in Article 16 of the Constitution.

Thus, we argue that the provisions of Article 24, paragraphs 3 and 4 of the **Administrative Disputes Law no. 554/2004** are unconstitutional. The exercise of the position of the head of an authority involves assuming predictable responsibilities, and under the conditions described by the law, they may be required to pay exorbitant sums of money, regardless of the cause and subject of the enforcement title, regardless of the consequences produced or the circumstances of non-compliance with the decision.

Under these conditions, the fine appears as an excessive sanction and not as a form of coercion aimed at enforcing judicial decisions.