

## **Non-Discrimination: From European Standards of Good Administration to National Implementation. A Case-Study of the Romanian Public Sector**

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### **Abstract**

*Our research is focused on the principle of non-discrimination, by developing an analysis specific to both juridical and administrative sciences. The directions that lead our study are the European Administrative Space - a doctrine creation based on the existence of a series of principles of legal and administrative nature common in the European Union - and the National Administrative Space, corresponding to the analysis of one Member State of the EU internal realities, in our case Romania.*

**Keywords:** Non-discrimination, Human Rights, Good administration, European Union administrative space, Romanian public administration

### **1. Introduction**

Having the scope to represent collective interests and to protect the individual ones, the legislator promotes policies and sets limits for both Government and administration. The courts, at their turn, are called to ensure the respect of the objectives and limits imposed by the legislator to the actors of the public sphere, who act in the public power regime. Sometimes, administration searches for ways to exceed the limits established by law for its activities. This risk derives from the fact that there are lacunas of regulation, which are completed more likely through the means of politics rather than by law, and there also exist some administrative activities on which the courts exercise a limited control (Cassese, 2010). In order to fight against and prevent these situations, in the EU member states there were tested different methods: an increased accent placed on the state of law and the principle of legality; maintaining in the text of the Constitution of some essential principles for the public administration; establishing some connections between the collective options of one community and the public administration by means of procedures belonging to deliberative democracy, etc.

From the necessity to cover the lacunas in interpretation that did not have a written basis in the Union's Treaties, ECJ, through comparative analysis, recognized some principles that were going to form the core of the European administrative law: the principle of the administration that acts only according to law, the principle of proportionality, the principle of legal certainty, non-discrimination, the right to be heard before a negative decision is adopted by a public authority and keeping a equitable and balanced administrative procedure.

In another stage it can be observed an interaction between national and European legal systems. We talk about a reflection of the last one in the national administrative law systems, as an effect of the control on administration, by imposing primary European legislation and some community directives, and, not at last, by adopting some European standards in the national administrative law (Schwarze, 2004). The same author's opinion is that at the same time with this effect it takes place a process of refining the principle of legality that emerges for administrative action, and, at the same time with this process there can be identified the premises of the principle of good administration.

## **2. Methodology**

### **2.1. Research methodology**

In this section we will try to present the specific methods of research we used, developing Parts 3 and 4 of our study. Structured in 2 different sections, Part 3 is dedicated to the results obtained based on an extensive normative and institutional study of the principle of non-discrimination in the European Union with the starting point represented by the analysis of the 2 treaties in force in the European Union and the provisions contained in the Charter of Fundamental Rights of the European Union. Also other important legal documents were analysed as for example, the Maastricht Treaty, different European Parliament resolutions, the Annual Reports of the European Ombudsman, the European Code of Good administrative Behavior, naming a few.

For section 1 of Part 3 (3.1.) we used the texts of the Treaty on the European Union and the Treaty on the Functioning of the European Union to identify the special provisions of non-discrimination, meanwhile in Section 2 (3.2.) our approach was directed on three different directions: first (3.2.1.), the presentation of the Charter and the identification of the provisions related directly to the principle of non-discrimination (for example art. 21 dedicated to non-discrimination), second (3.2.2.), the analysis of non-discrimination in relation with article 41 of the Charter – the right to good administration, and third (3.2.3.), the analysis of non-discrimination in relation with article 43 dedicated to maladministration and the European Ombudsman.

Part 4 of our study contains the research on non-discrimination at the national level, being structured in two different sections: section 1 (4.1.) an extensive normative study of the general legal framework in force which regulates the conduct of public authorities, institutions and civil servants and section 2 (4.2.) which integrates to our research a clear diagnosis of both the perceptions of civil servants and citizens, as consumers of public administration services on the respect of non-discrimination principle in Romanian public sector. For section 1 (4.1.) of our study we started by analyzing the Constitutional text, followed by the important normative texts which regulated the conduct of civil servants, naming here the Statute of Civil Servants, the Code of Conduct for Civil Servants and the Code of Conduct for the Contracted Staff of Authorities. Section 2 (4.2.) is using a specially designed method of research specific to the field of administrative sciences, that we developed in the context of a large research project dedicated to the study of good administration and administrative procedures (2007-2010), financed by the Romanian Research Council, method that we will describe next. What we would also like to point is that the scientific and practical results obtained in our research project were of great use in bringing the topic of good administration in the public discourse, the training of Romanian civil servants and also in the context of development of the Romanian Code of Administrative Procedure.

### **2.2. Data collection and analysis of the perceptions of civil servants and citizens' on non-discrimination principle**

To investigate both civil servants and citizens' perception on good administration, connected rights and administrative procedures, we designed two specific questionnaires structured in such manner to correspond to the European Code of Good Administrative Behavior, adopted by the European Ombudsman and approved by European Parliament's in 2001. We considered the Code a reference document in the matter of good administration codifying the most important elements of the right to good administration.

The Code comes to detail and to show what it means, in practice, the right to good administration, article 41 of the Charter. It shows, to the European citizens, what expectations should have from the Community administration. But should these expectations exist only against Community administration? By the questionnaires we tried to evaluate the level where is situated – in the perception of both Romanian civil servants and citizens – the Romanian public administration against the standards imposed to European administration by the provisions of the European Code of Good Administrative Behavior.

In the same time, we tried to find out which is the perception of the civil servants regarding their own activity, their own way of conduct, so that we applied the same questionnaire to both citizens and to civil servants.

Excepting the ante-codified questions corresponding to the articles of the Code, there were introduced, by the research team, open questions, post-codified, by which both civil servants and citizens could express their dissatisfactions with public administration, as well as the measures considered necessary to improve its activity.

The questionnaire dedicated to the study of citizens perception, was applied on line, using a secure dedicated platform to a number of 1297 citizens, coming from two thirds of the Romania's area and by interview operators to a number of 898 civil servants, coming from 17 of the Romania's counties.

Section 4.2. of our study will present the important data collected in relation to the principle of non-discrimination, on both directions – civil servants and citizens, based on the collection and interpretations on the surveys conducted started from 2008.

### **3. European Union Standards on the Principle of Non-Discrimination**

The present part of our research will develop the understanding of the principle of non-discrimination at the European Union level, creating a clear image and understanding of this important principle based on an intense normative study.

#### **3.1. The Principle of Non-Discrimination in the Treaties of the European Union**

The consolidated version of the Treaty of the European Union contains two different direct provisions related to non-discrimination, naming here article 2 and article 3, both articles being integrated in the First Title of the Treaty named Common Provisions.

Article 2 TEU introduces the principle of non-discrimination, stating that for the European society pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Article 3 TEU also states the principle of non-discrimination in relation with the Union's aim to combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

Also of great importance for our study is article 6 of the Treaty, which indirectly states the non-discrimination principle by stating that the Union recognizes the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union which contains direct provisions on the principle that will be developed in Part 2.2. of our study.

Stressing its importance, the Treaty of the Functioning of the European Union introduces the principle of non-discrimination in Part one of the TFEU entitled Principles, article 10 of TFEU naming the important aim of the Union to combat any discrimination in defining and implementing its policies and activities. The grounds for discrimination are based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Part two of the TFEU is dedicated to the development of the non-discrimination principle and the concept of citizenship of the Union. Articles 18, 19 contains direct provisions related to the analyzed principle, article 18 being dedicated to the discrimination based on the special ground of nationality, meanwhile article 19 is dedicated to other grounds of discrimination as: sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Also, in part three of the TFEU we can identify provisions related to non-discrimination, but in relation with the free movements of goods (Title II, articles 36 and 37), agriculture and fisheries policies (Title III, article 40), the free movement of persons, services and capitals (Title IV, article 45 and 65), transport policies (Title VI, article 95), common rules on competition, taxation and approximation of laws (Title VII, article 107 and 114). With direct relation to our approach we identified article 157 from Title IX - Employment, which introduces equal and non-discrimination pay for workers in relation with the gender discrimination.

Part four of the TFEU, entitled Association of the Overseas Countries and Territories, contains provisions on the relation between the Member States with the non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom. The non-discrimination principle is introduced by article 200, in the sense of prohibiting discriminating custom duties between imports from the various Member States.

Part five of the TFEU, dedicated to the Union's External Action, introduces the non-discrimination principle in the specific field of humanitarian aid, article 214 stating that Humanitarian aid operations shall be conducted in compliance with the principles of impartiality, neutrality and non-discrimination.

Part six of the TFEU, entitled Institutional and Financial Provisions, makes another statement related to discrimination in the field of trade between the Member States, in the provisions dedicated to the field of enhanced cooperation (Title III, article 236).

### **3.2. The Principle of Non-Discrimination in the Charter of Fundamental Rights of the European Union**

Drafted by the European Convention called by the Cologne European Council from 1999 in order to consolidate and enshrine the fundamental rights at European Union level on 2 October 1999, the Charter was solemnly proclaimed by the European Parliament, the Council of Ministers and the European Commission on 7 December 2000.

As the first official document adopted by the European Union and dedicated to fundamental rights, the Charter of Fundamental Rights of the European Union affirms the intention of the peoples of Europe, in creating an ever closer union among them and to share a peaceful future based on common values (Charter).

The importance of the Charter in the European Union was first made clear by the Lisbon Treaty which introduced the new article 6, giving the CFREU of 7 December 2000, adapted in Strasbourg on 12 December 2007, the same legal value as the Treaties. After the entry into force of the Lisbon Treaty, the Charter received its important legal status and value equal with that of the treaties in the European Union legal order, as article 6 (ex, art. 6 TEU) of the Consolidated version of the Treaty on European Union states.

Based on the European Union law, the jurisprudence of the European Court of Justice and inspired by the European Convention on Human Rights, CFREU is divided in seven titles which contain a total of 54 articles. The first six titles are dedicated to a number of six fundamental values: dignity (art. 1-5), freedoms (art. 6-19), equality (20-26), solidarity (art. 27-38), citizens rights (art. 39-46), justice (art. 47-50), and the last title (7) is dedicated to the general provisions governing the interpretation and application.

#### **3.2.1. The Non-Discrimination Principle in the Charter**

Title III of the Charter of Fundamental Rights of the European Union is dedicated to the important value of equality, in which the principle of non-discrimination is separately introduced under this general value by article 21 of the Charter,

According to article 21, specially dedicated to non-discrimination, paragraph 1 states:

Any discrimination based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited (Charter).

Taking in consideration the construction of the European Union, article 21 introduces in paragraph 2 a special provision dedicated to the prohibition on any kind of discrimination based on the ground of nationality.

Art. 21 provisions for the prohibition of discrimination contains a combination of grounds like: sex, race, color, ethnic or social origin, contains, etc., which are binding for the EU institutions and also for the Member States when dealing with EU law.

In connection with the general value of equality and the analyzed principle of non-discrimination, article 26<sup>th</sup> of the Charter – introduces a special provision dedicated to one of the most important form of discrimination – gender.

Analyzing the Charter we have been able to identify a series of express provisions which states the fundamental rights of the citizens in relation with the European administration. We refer here to article 20 dedicated to - Equality before the law, article 41 – the right to good administration, developed in the next part of our paper, article 42 - Right of access to documents, article 43 - dedicated to the European Ombudsman and the cases of maladministration, which also will be developed next, article 44 - the right to petition and article 47 the right to an effective remedy and a fair trial.

### **3.2.2. The Non-Discrimination Principle and the Right to Good Administration**

In this part of our study we will analyze the principle of non-discrimination in relation with article 41 of the Charter, article dedicated to the new right of good administration, recognized at European Union level, which states the conduct of European institutions, bodies, offices, agencies and the specific rights recognized to every person coming in contact with them. Also article 41 states important rights and substantive or procedural principles like: right to be heard, right to access to own files, right to remedy, the right to use and receive answers from the EU administration in the national languages recognized by the Treaties and principles like impartiality, fairness, time limit, the obligation to state the reasons for decisions adopted by the administration.

The close relation with the principle of non-discrimination of article 41 is clear starting with paragraph 1 which states the principle of impartiality and paragraph 4, which states that every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language (Charter).

The principle of impartiality, stated in the first paragraph, is a constant concern for all the three general branches of EU in the efforts to eliminate all forms of double standards in order to create a general climate of trust, integrity and professionalism in the EU.

In relation with the important value of equality and the principle of non-discrimination, impartiality requires the European institutions, officials and personal to treat similar situation with the same standards when they do not deal with differences that are objectively justified and also to avoid decisions dictated by personal preferences.

Paragraph 4 of article 41 can be analyzed in close connection with the dedicated non-discrimination principle stated by the Charter (art. 21, paragraph 2), which eliminates the discrimination on the base of nationality, coming to enforce and develop this provision by providing to every person the right to write in its national language and to receive the answer from the European institution in the same language.

### **3.2.3 The Non-Discrimination Principle, Maladministration and the European Ombudsman**

Next we will analyze the principle of non-discrimination in relation with article 43 of the Charter, article dedicated to the European Ombudsman institution and the cases of maladministration registered in the activities conducted by the institutions, bodies, offices or agencies of the EU.

We consider important to develop our study in this direction first because of the importance of the European Ombudsman in stating, developing and protection of the rights and interests of the European citizens and second because of the close connections that exists between the concept of maladministration and the analyzed principle. Taking in consideration that the Maastricht Treaty or the Statute of the Institution did not define the concept of maladministration, the first important task of the European Ombudsman became to clarify and define the concept. In the first Annual Report the Ombudsman tried to identify and to give examples of what may constitute cases of maladministration, identifying but not limiting to cases of administrative irregularities, administrative omissions, abuse of power, negligence, unlawful procedures, unfairness, malfunction or incompetence, discrimination, avoidable delay, lack or refusal of information. The definition of maladministration as “Maladministration occurs when a public body fails to act in accordance with a rule or principle which is binding upon it”, proposed by the European Ombudsman was accepted by the European Parliament through Resolution C4-0270/98, considering that the definition and examples mentioned in the Annual Report for 1997 of the European Ombudsman offer a clear view of the term.

Based on the analysis of the Annual Reports provided by the European Ombudsman, even from the start of its activity, the institution took a direct approach to fight against the cases of maladministration on the grounds of discrimination and to promote the principle of non-discrimination (for instance the Annual Report from 1997, is clear when it counts the complaints of maladministration, discrimination being the second ground on which most cases were registered – 42 cases). The importance of the Ombudsman in promoting and affirming the principle of non-discrimination is also obvious in relation to the development of the European Code of Good Administrative Behavior.

The European Code of Good administrative Behavior proposed by the European Ombudsman and recognized by the European Parliament on 6<sup>th</sup> September 2001, regulates the conduct of the European administration and its officials and develops the concept of good administrative behavior. Of great importance for our study is article 5 from the total of 27 of the Code of Good Administrative Behavior, which states the principle of non-discrimination in the work of the European institutions and officials.

Article 5, makes a clear statement in three paragraphs of the importance of the principle of treatment equality, the obligation to justify the cases of difference of treatment and the avoid of discrimination on the grounds of nationality, sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation.

Giving a special attention to the principle of non-discrimination in the European Code of Good Administrative Behavior, the European Ombudsman makes a clear statement of the importance to avoid discrimination in discretionary administrative decisions, and restates the importance given to the non-discrimination principle by European Union legislation, the European courts jurisprudence, or by the resolutions made by the Council of Europe.

#### ***4. Romanian Standards on the Principle of Non-Discrimination – Normativity And Reality***

Part 4 of our research will develop the understanding of the principle on non-discrimination at national level, by presenting a clear image and understanding of the normative efforts conducted by Romanian authorities to impose the standards of good administration and a culture of non-discrimination in public service and also the realities existing in Romanian public sector.

##### **4.1. The Legal Framework on Non-Discrimination in Romanian Public Sector**

The research conducted on the legal framework at national level on the principle of non-discrimination starts with the analysis of the constitutional text and the important normative texts that regulate the conduct of the civil servants and contracted staff working in the public sector.

The analysis was first directed on the constitutional text, naming here the Constitution of Romania of 1991, amended and completed in 2003, Law no. 188/1999 the Statute of Civil Servants, Law no. 7/2004 on the Code of Conduct for Civil Servants, Law no. 477/2004, the Code of Conduct for the Contracted Staff of Authorities. The Romanian Constitution contains various provisions related to non-discrimination principle, as for example articles 4, 6, and 30.

Non-discrimination is introduced from Title I – General Principles, Chapter I Common Provisions, in article 4 entitled Unity of the people and equality among citizens. The second paragraph states non-discrimination as a general principle of the Romanian legal order, explicitly developing the grounds of discrimination. The grounds of discrimination stated in the constitutional text are race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

Article 6 dedicated to the right to identity, recognize the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, but institutes a condition for the state to respect the principles of equality and non-discrimination in relation to other Romanian citizens when develops protection policies in this domain.

The next direct reference to the non-discrimination principles can be found in Title I, Chapter II Fundamental rights and freedoms, more exactly in article 30 dedicated to freedom of expression. According to paragraph 7 of the article, freedom of expression is conditioned and prohibited by the law in the cases when it deals with direct incitement to discrimination.

Law no. 188/1999, the Statute of Civil Servants, regulates the legal relations between civil servants and the state or the local public administration, represented by the autonomous administrative authorities and the authorities and public institutions of central or local public administration.

Law no. 188/1999 was first published in the Official Journal of Romania, Part I, no. 600 on 8 December 1999 and entered into force on 7 January 2000, being republished 2 times, first on 22 March 2004 and second 29 May 2007. In the Statute of Civil Servants, the only direct reference to non-discrimination principle can be found in Chapter V Rights and Duties, article 27, paragraph 2 of Section 1 Rights of Civil Servants in relation with the discrimination between the civil servants. As the article states, any kind of discrimination on the grounds of political adherence, union membership, religion, ethnic origin, sex, sexual orientation, property or social origin, or any other nature is forbidden by the law. Keeping in mind the close connection of the non-discrimination principle with other stated principles as equality or impartiality, we can identify at 1 paragraph 2 which states the principles of stability, transparency, efficiency, impartiality and public interests as the purpose of the Statute.

Also in this direction, article 3 is stating the principles of legality, impartiality and objectivity as the basis on which the exercise of public powers occur.

Law no. 7/2004, the Code of Conduct for Civil Servants, regulates the norms of professional conduct for civil servants, otherwise said, states the limits of professional conduct of the persons who occupy a public office within the authorities and public institutions of state or local public administration, or within the autonomous administrative authorities.

The Code of Conduct for Civil Servants was first published in the Official Journal of Romania, Part I, no. 157 on 23 February 2004 and entered into force on 9 March 2004. We must point that the Code of Conduct for Civil Servants was republished one time, on 2 August 2007.

Analyzing the provisions of the Code, we identified article 12 paragraph 3, which constitutes the general framework for the conduct of civil servants in relation with the citizens. According with the provision the civil servants are obliged to promote similar or identical solutions on the same categories of situation and to eliminate all kinds of discrimination on the grounds of nationality, religion and political adherence, property, health, age, sex or other aspects. Another direct provision can be found in article 16 which regulates the principle of objectivity in the evaluation of civil servants, eliminating all forms of positive or negative discrimination in all aspects related to the career of the civil servants.

Law no. 477/2004, the Code of Conduct for the Contracted Staff of Authorities and Public Institutions, regulates the norms of professional conduct for the contracted staff working for the authorities and public institutions, excluding here for the categories which are elected or politically appointed.

The Code of Conduct for the Contracted Staff of Authorities and Public Institutions was first published in the Official Journal of Romania, Part I, no. 1105 on 26 November 2004 and entered into force on 1 December 2004.

Article 3 (d) of the Code entitled General Principles, contains an express reference to the principle of non-discrimination, noting the requirement of the contracted employees to act objectively and to be neutral in the exercise of their duties. As an indirect provision we also identified article 3 (b) which states the obligation for public authorities and institutions to apply equality of treatment in identical or similar situations.

Similar with the provisions of law 7/2004, we identified article 12 which regulates the attitude and conduct of the contracted employees in relation with the citizens, on the grounds of similar treatment for same situations and the elimination of any form of discrimination on the grounds of nationality, religion and political adherence, property, health, age, sex or other aspects. The last article identified in the Code with direct mention of the non-discrimination principle is article 16 related to the evaluation process of the contracted employees in order to assure objectivity and equality of treatment in evaluation process.

**4.2. Reality and the Perception of Civil Servants and Citizens on Non-Discrimination Principle**

In this section of our study we will present the results obtained by using the the questionnaires described in the research methodology both on civil servants and citizens and the interpretation of the data, which constitutes from our perspective a real diagnosis

**4.2.1. Results**

**Q: When solving administrative matters, civil servants respect the principle of non-discrimination.**

Variable	Always	Most of the time	Sometimes
Citizens	3,03%	42,42%	50,51%
Civil servants	60%	33%	7%

**Q: Do you know situations where public authorities adopted decisions exaggerating the rights of a minority? (on the basis of positive discrimination?)**

Variable	Always	Most of the time	Sometimes	Never
Citizens	3,70%	20, 54%	54,55%	21,21%
Civil servants	60%	33%	7%	

**Q: Are there situations when by the decisions adopted by public institutions there were persons negatively discriminated on grounds concerning**

Variable		Always	Most of the time	Sometimes	Never
Citizens	Sex	8%	34%	34%	22%
	Ethnicity	3%	35%	39%	18%
	Social condition	7%	36%	39%	20%
Civil servants	Sex	31%	35%	20%	4%
	Ethnicity	21%	47%	21%	11%
	Social condition	17%	34%	28%	31%

#### 4.2.1. Interpretation and Results

The principle of non-discrimination was directly introduced in our questionnaire at question no 10 – Do civil servants, when solving administrative matters, respect the principle of non-discrimination? Civil servants consider important the principle of non-discrimination and its observance in the administrative practice, the data resulted being interesting (a percentage of 50% of the respondents considering that the principle is respected). With all these, there are raised concerning question marks, taking into consideration the increased percentage of respondents (20%) who consider that the principle is not respected.

Concerning the citizens, the data obtained offer a complete image on the factual situation, leading to the conclusion that there are serious deficiencies in the Romanian public authorities and institutions, in what concerns the observance of the principle of non-discrimination (50% of the citizens consider that the principle is just in a few cases respected in the administrative practice, while only 3% consider that the principle is always respected). In what concerns positive discrimination, on different consideration related to gender, social condition or minority, the data obtained from the answers given to question 11 do present a high interest. The data analysis leads to the conclusion that from both the points of view of the civil servants (60% of them considering that positive discrimination exists) and of the citizens (78% of the respondents considering that positive discrimination does exist) we meet positive discrimination in the Romanian administrative practice.

Question no 12 applied by both questionnaires aimed at concretely identifying which are the main reasons for negative discrimination which are met at the level of Romanian administrative practice. There were identified and selected reasons that concern sex, ethnicity and social condition, as being the most numerous encountered.

The results obtained in what concerns the perception of the civil servants offer a clear data table, civil servants identifying as a main reason for discrimination ethnicity (33%), followed by reasons concerning sex and than the reasons concerning social condition. The citizens' perception on this matter shows that there are identified reasons concerning social condition (36%) as being the main factor for negative discrimination, followed by almost similar values for ethnicity (35%) and sex (34%). From our point of view, it is also interesting the fact that an important proportion from both categories of respondents (at least 18%) consider that it doesn't exist and they don't have the knowledge about the existence of any decision adopted on the grounds of negative discrimination, regardless the reasons. In relation with the open questions, post-codified, by whom both civil servants and citizens could express their dissatisfactions with public administration, as well as the measures considered necessary to improve its activity, we received important data.

One important aspect identified by both respondents was the influence played by the political factor on public administration. This influence should be decreased – a de-politization of public administration being an important factor for improving performance. At the level of administrative procedures there were made concrete proposals that start from the need of an Administrative Procedure Code and goes to the implementation of the means of electronic administration (e-vote, e-petition, etc) – as a way of increasing public administration's responsibility but also for stimulating public participation. Concerning logistic means of public administration it was proposed the fitting out of adequate working places and their endowment at European standards, to assure a fast elaboration of documents and their storage in proper conditions, and sufficient waiting rooms for the public.



Another element identified is the excessive bureaucracy that public administration enjoys most of the time. Both civil servants and citizens consider that bureaucracy represents the principal element that generates that is slowing down the activity of public administration. The solutions proposed regarded also the citizens themselves, that primarily should manifest a real interest and involvement in decision's adoption, if they consider they were treated unfair, and public administration, in her turn, should be as independent as possible and should put the citizen's needs in the centre of its activity (Balan et al, 2008).

### Conclusions

Analyzing the evolutions of the contemporary public space, it can be noticed that at global level there were developed corrective measures by establishing of some rules of good administration or, by introducing, in the framework of the administrative activities, of some protective measures concerning the right to participation, the obligation of motivating decisions, transparency. But the concept of *good administration* does not have a fixed content, the initial elements overlapping in a great measure on the state of law and the principle of legality.

On the other hand, from the perspective of the good governance, we notice that the premises of the good administration make part of the assembly of procedural rights that entitle the ones affected by an administrative decision to participate at the administration of common interests. Moreover, it is increasingly affirmed that public administration cannot reduce its standards only to delivering efficient and flexible services, citizen oriented. It is necessary a broader vision, where responsibility and respect towards human rights ground the ethical standards and assure common principles of functioning of the public and private sphere. From such a perspective, from the parameters of the good administration and good governance that the governance and administration activities have to ensure, it cannot miss the principle of non-discrimination.

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