Observations regarding the right of civil servants to pursue a career. About „instability" in civil service and law non-compliance practices

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Abstract

In the present study the regulation of the carrier of the civil servants is considered, especially the stability and continuity – essential elements at the European Union level. Unfortunately, in the Romanian legislation, as well as in the institutional case law, it remains a purely declarative issue. The study is based on a series of recent court decisions. We criticized the abusive use of the expeditious ordinances and the instruments of legislative regulation. This is considered as an abusive practice of the law maker and shows a legislative inability related to the regulation of the public office, especially by not observing the conditions in which a person could be relieved of his office.

The conclusion of the study leads to the necessity for the law maker to revise the statute of the civil servant, especially by eliminating the fluctuation determined by the succession of the governing political forces.

Keywords: *civil servant, public function, status of civil servants, public institutions, administrative law.*

JEL Classification: K23

Introduction

The right of civil servants to pursue a career – we are especially considering the stability and continuity in the respective function, which are essential to this rights, are a constant preoccupation at Member State level. Therefore as shown before[2] some servant categories, within the broader meaning of the term, benefit even from regulations on removal from office (for example magistrates in France). In Germany, civil servants are appointed for a life-long term. This preoccupation and legislative commitment shows the importance the lawmaker gives to civil service, as well as establishing a professional association of civil servants. The servant does not appear as being "*fluctuant, a passing character in the life of a community, he is a permanent reference element for the good or bad performance of the activities related to the respective civil service."*[3]

In Romanian law, especially in the recent practice of institutions, this right seems to be a purely declarative matter, which leads to a legitimate question „how

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[2] M. Tofan, *Dreptul funcției publice europene* (the Law on holding a public office within the EU), p. 16 www.cse.uaic.ro

[3] idem

fair is the rule of law to civil servants?[4] The frequency with which public institutions are reorganized and the huge number of litigations pending before court support the idea expressed to this end that «*the interests of changing a state apparatus have generated very ingenious methods to elude legal provisions which support stability in office. Therefore, in order to replace civil servants in key positions in order to fulfill election promisese but also for the new incumbents to hold an office in all key administration areas, we have reached the point of modifying the name of the public institution where the targeted positions existed. The result was the artificial creation of some vacant positions, followed by their occupancy through „objective" competition*»[5].

This study, based on a series of solutions from recent legal practice, picture this „ingenious" practices which are foreign to law, which have resulted in the establishment of a principle of true „instability" in civil service. Starting from an approach concerning civil service as a whole, respectively how it is regulated, I have selected legal practice examples related to the „reorganisations" that have affected the institutional structure of the Ministry of Finance (the National Customs Authority, the National Agency for Fiscal Administration, the Fraud Squad), a favourite subject regarding transformations, adaptations, and experiments of succeeding governments, and that generates great fear for the employees working in these structures as they stand the chance of losing their workplace.

I. Implementation of the emergency ordinance that has affected the legal status of some civil servant categories

The abusive use of the emergency ordinance instrument, through which, during certain times, the Government has almost wholly replaced the lawmaking activity of the Parliament, has also manifested with respect to amending regulations on the status and career of civil servants. The abusive conduct of the appointed lawmaker was not only visible due to the high number of such ordinances that were implemented, but, what's worse, due to the fact that some of these ordinances have impacted the regime of fundamental state institutions.

With respect to this subject, taking into consideration the deep disturbance of legal security in the matter that we analyse, the Government Emergency Ordinance no. 37/2009 regarding certain measures of improving public administration activity, which has created a new institution, difficult to define from a legal point of view, with the aim of replacing the traditional position of a deconcentrated department director. The newly established institution was maintained unwieldingly by rules that have kept that legal solution, despite it being declared as nonconstitutional.

Thus, through the amendments of the Government Emergency Ordinance no. 37/2009 the article 13 paragraph (1) letter d) of Law no. 188/1999 on the Status

[4] V. Vedinaş, „Cât de drept este cu funcţionarii publici statul de drept?", *Revista de drept public* (The Public Law magazine), n. 3/2012, pp. 13-19

[5] M. Tofan, *op.cit*., p. 17

of civil servants and the appendix to this law, from the category of management civil servants positions the following positions have been eliminated the positions of „*Chief Executive Officer and Deputy Chief Executive Officer of deconcentrated public services of ministries and other specialist bodies of central public administration from the territorial and administrative divisions*". According to art. III of this emergency ordinance, civil service, specific civil service and the positions based on agreements which grant the capacity of director of deconcentrated public services of ministries and other bodies of central public administration from territorial and administrative divisions, as well as their deputies were abolished. Instead of these positions, the position of „*coordinating director of the deconcentrated public service*", helped by one or more deputies, depending on the limit of the positions that were abolished. The persons that would hold these officies would be appointed through an „*administrative action*" of the main credit release authority under whose supervision, coordination or under whose authority the respective deconcentrated public service is functioning and they would perform their activities based on a „management agreement" signed with the main credit release authority for a maximum period of 4 years, agreement included in the „*employment agreement".*

Through Decision no. 1257/2009[6] the Constitutional Court considers that this „*defective and confuse legal construction*" raises the issue of the legal status of the „*coordinating director*" and of the legal nature of the „*management agreement*" has made the law on approving the abovementioned emergency ordinance nonconstitutional, while noticing that the emergency ordinance violates the provisions of art. 115 paragraph (6) of the Constitution, according to which *„Emergency ordinances (...) cannot affect the regime of fundamental state institutions (...)".* The deconcentrated public services of ministries and of other bodies of central public administration from territorial and administrative divisions are fundamental state institutions, if we refer to art. 123 paragraph (2) of the Constitution, according to which *„The prefect is the local Government representative and leads deconcentrated public services of ministries and of other bodies of the central public administration of territorial and administrative divisions".* The Court considers that, through its regulations, the Government Emergency Ordinance no. 37/2009 „affects" the legal status of some management civil servants positions from the deconcentrated public services of ministries and of other bodies of central public administration from territorial and administrative divisions, established through the republished Law no. 188/1999, with its subsequent amendments and additions, adopted by Parliament according to provisions of Art.73 paragraph (3) letter j) of the fundamental law, according to which the status of civil servants is regulated by organic law.

We must also highlight the abusive practice of the Government at that time, who, while the Constitutional Court was seised with the objection of nonconstitutionality of the law for the approval of the Government Emergency

[6] Published in the *Official Journal of Romania*, Part I, no. 758 from November 6th 2009

Ordinance no. 37/2009 regarding some measures of improving the activitity of public administration, with a deadline for settlement on October 7th 2009, adopted, on October 6th 2009, the Government Emergency Ordinance no.105/2009, which was submitted on the same day to the Senate, as the first seised Chamber, and was also published on October 6th 2009 in the Official Journal of Romania, Part I, no. 668. Through the latter emergency ordinance, the Government has intervened in two aspects on the Government Emergency Ordinance no. 37/2009, approved by Parliament through the law subject to constitutionality check: a) within the Government Emergency Ordinance no. 105/2009 the regulation included in the Government Emergency Ordinance no. 37/2009 had been wholly incorporated; b) has abolished this emergency ordinance through Art. XIV paragraph (1) of the Government Emergency Ordinance no. 105/2009.

Observing that „*through the legal procedure used, the Government has established that the provisions of the legislative act which was abolished and declared as nonconstitutional – the Government Emergency Ordinance no. 37/2009 – shall remain in effect, under the shape of a new legislative act – the Government Emergency Ordinance no.105/2009 - which, as previously shown, has wholly incorporated, with minor amendments, the original provisions concerning the matter and that such a situation „questions the legal constitutional behaviour of the Government towards the Parliament and, last but not least, towards the Constitutional Court*", through Decision no. 1629/2009[7], the nonconstitutional character of these legal provisions has been established[8].

II. The legislative instability concerning the matter of civil service regulation

Although difficult to believe, the analysed issue was the object of a new legislative intervention, the third one during the year 2009 concerning the legal framework which governs the status of directors of deconcentrated services. The novelty introduced through this law amending Law no. 188/1999, in comparison with the other two emergency ordinances that were mentioned, is the fact that the position of the director of deconcentrated services was once again part of civil service, thus the category of coordinating directors, which had the status of contract-hired personnel was eliminated. However the new law replaced the positions of Chief Executive Officer and Deputy Chief Executive Officer of deconcentrated public services and established a new category of civil service, the category of director and deputy director of these services. Therefore the contract-

[7] Published in the Official Journal of Romania, Part I, no. 28 from January 14th 2010

[8] We are talking about the provisions of Art. I points 1-5 and 26, art. III, art. IV, art. V, art. VIII and the appendix no. 1 from the Government Emergency Ordinance no.105/2009 concerning some measures in the field of civil service, as well as the consolidation of the management capacity at the level of deconcentrated public services of the ministries and of other bodies of central public administration from territorial and administrative divisions and of other public services, as well as for the establishment of measures regarding the office of the dignitary from the central and local public administration, the Prefect's Office and the office of the local government representative

based positions created through the two emergency ordinances during 2009 did not return to their initial state – positions as Chief Executive Officer and Deputy Chief Executive Officer -, but were transformed into a new category of management civil service positions – director and deputy director.

The Constitutional Court being seised regarding the adopted regulation has established its nonconstitutional character, at the same time, observing, „*the existence of a obvious legislative instability concerning the position of director of deconcentrated public services, which questions the legal treatment applied to this position in comparison with other management civil service positions from public administration. The purpose of Law no. 188&1999, which expressly provides under Art. 1, paragraph (2) that the purpose is the establishment of a „stable public service" is also questioned".*

The Court considered that, on that occassion, the lawmaker did not motivate in any way the necessity of abolishing a category of civil service positions and the establishment of new management positions at the level of deconcentrated public services, thus introducing a different regulation, without any other solid, objective and rational reasons. Therefore, by applying a different legal treatment to persons who, at that time, held the office of Chief Executive Officer or Deputy Chief Executive Officer of deconcentrated public services in comparison with the Chief Executive Officers or Deputy Chief Executive Officers within the prefecture, the own institution of local public administration authorities and of public authorities under their supervision, it has been considered that this treatment would violate the provisions of Art.16 paragraph (1) of the Constitution.

The Court has also examined within that context and issue of great interest to the legal field – whether or not the lawmaker has the competence of abolishing and establishing through the same legislative act a certain position, without rational reasons. The answer was negative, „*because in order to abolish and to establish a position a solid and serious reason must exist. The initiator of the law has the obligation of providing reasons in the recitals of the law*." Even if from the succession of legislative acts, as well as the Government's reference to Art. 100 paragraph (1) of the law, a certain reason for this legislative amendment could be noticed, that is, such a legislative measure to constitute the reason for the application of Art. 99, letter b) of the law, respectively the release a from civil service if the public authority is restructuring its activity through the abolishment of the position held by the civil servant in question, still, "*even under the conditions of common law, according to Art. 65 of the Labour Code, the employer's possibility of using the measure of abolishing a position as a reason for firing is severely restricted. Therefore, both in legal practice, as well as in the doctrine, it has been shown that this legal reason cannot be used in the event that, after a short interval, the employer hires another employee to hold a similar position.*" The Court concluded that under the conditions examined above, the possible reintegration measures ordered by the courts for the positions of Chief Executive Officer and Deputy Chief Executive Officer could not be applied under the conditions of the new law, since the position has been abolished, and the new position shall be occupied according to law, that is after a contest.

III. The failure to comply with the conditions in which the removal from civil service can be ruled, according to the law

1. The failure to comply with the restrictive conditions presenting the employers' possibility to take the measure of abolishing the position as basis for the dismissal

The above analysed issue calls into question – still in the context of examining the instability in the civil service – a practice of the last years to which we referred from the very first lines of this study, namely the one of the frequent „reorganisations" of some public institutions, accomplished by reducing positions, reorganisations which are not seriously justified in terms of opportunity and present clear legal flaws.

Thus, the courts have been referred to with many proceedings invoking the violation of the provisions established by Art. 99 and Art. 100 from Law no. 188/1999 on the reorganisation of public institutions, texts which set up certain requirements but also criteria which need to be complied with, the reduction of a position being justified only if the attributions related to it have been modified to a level of 50% or if the specific conditions for the filling the position are changed as regards the studies. Through the proceedings brought, it was supported that the reorganisation measures are not real and effective, being violated the principle of stability in the civil service guaranteed by art. 3 letter f) from the Law no. 188/1999. In this regard, we hereby mention the Civil Decision no. 299/CA of January 23rd, 2012, rendered by the Court of Braşov, Civil Division no. II, for administrative and fiscal litigation in the Case no. 10865/62/2011, from which it was retained that the defendant (Fraud Squad), **„***did not prove in any way that the position reduction was determined by the change of the specific attributions to a level of more than 50% or by the change of conditions related to studies, being absolutely clear that this evident position reduction did not take place in compliance with the conditions of art. 100 paragraph 4 [author's note: from the Law no. 188/1999]. Considering the fact that the Government Decision no. 566/2011[author's note:* for the amendment and completion of the Government Decision no. 1.324/2009 regarding the organisation and functioning of the Fraud Squad] *is a regulatory document with an authority inferior to the provisions of the Law no. 188/1999, the defendant cannot secure itself only by invoking the fact that the plaintiff did not request and obtain the annulment of the Government Decision no. 566/2011".*

2. The failure to publish in the Official Journal of Romania the orders approving the organisational structure of the authorities /institutions subject to reorganisation and the lists of job titles

This is another frequent illegal practice, which accompanied the institutional reorganisations we mentioned, a practice already sanctioned by some of the courts referred to. Other proceeding with the same subject and critics are pending.

In this regard, we mention, for example, the Decision no. 42108.12.2011 of the Suceava Court of Appeal – Civil Section no. 2, for contentious administrative and fiscal matters, rendered in the Case no. 894/39/2011. In the present case, there has been an appeal against the Orders of the National Agency for Fiscal Administration no. 2406/2011 and no. 2407/2011 approving the organisational structure of the National Customs Authority and the list of job title, one of the illegality reasons invoked referring to the failure to publish these documents in the Official Journal of Romania, although the publication obligation exists according to the provisions of art. 11 from Law no. 24/2000 concerning the rules of legislative "technique" for the elaboration of regulations and Art. 5 paragraph 4 from the Government Decision no. 110/2009 regarding the organisation and functioning of the National Customs Authority. Likewise, the same obligation of publication in the Official Journal of Romania also exists for the Orders no. 2589/12.07.2011 approving the bibliography for the professional testing examination, respectively no. 2619/15.07.2011 constituting the examination commissions and their functional regulation.

By examining the legal action as initiated, the court considered that the mentioned documents have a regulatory character, even if they concern only the organisation of the National Customs Authority and its employees – this does not turn them into individual administrative documents. The court has retained in this regard that "*a more reduced degree of generality does not turn a regulatory administrative document into an individual administrative document. A more reduced territorial, temporal and personal extension does not award an individual character to an administrative document. The essential character of regulatory administrative documents is that of secundum legem "regulation", in other words, the regulatory administrative documents are rules of organisation and execution of primary rules form the law or from government decisions, presenting their characteristics: generality, impersonality, abstraction. The more extended or reduced character of these characteristics calls into question the regulatory administrative document only in terms of its scope and its field of application, without turning it into an individual administrative document."*

The Court also considered that the Orders no. 2406, no. 2407, no. 2589 and no. 2619 "are nothing else but an intermediary stage of the normative juridical process. Indirectly individual subjective rights derive from these orders, which confirms their normative character, as from the individual administrative acts personal rights and obligations derive directly. These orders do not concern determined persons, but only regulate from a normative perspective, the organization and charts, these positions being opened for different persons throughout their existence. The normative character derives predominantly from the Annex no. 11 and no. 12 of the Order no. 2407/2011 which regulates the rules for organizing and conducting the examination. It is obvious that such a regulation has a normative character and not individual as it "norms", "regulates" in a general and impersonal manner".

Once the normative character of the Orders no. 2406, no. 2407, no. 2589 and no. 2619 established, it was appreciated that by not publishing them in the Official Gazette the sanction of its inexistence is applicable and as a consequence

also of the lack of opposability by applying through analogy the provisions of art. 100 paragraph 1 and art. 108 paragraph 4 of the Romanian Constitution. Also the fault of the failure of publishing, representing a fault of external legality, pleads for the applicability of the sanction of inexistence.

In the motivation reference has been made to the case law of the High Court of Cassation and Justice, to the Decision no. 5440/27.11.2009, in which it was mentioned that the sanction for not being published is the inexistence and therefore the lack of opposability, without annulling them. The case law of the European Court of Human Rights has also been mentioned (case of Petra versus Romania of September 23rd 1998), where it was mentioned that the failure to publish the orders in the Official Gazette does not correspond to the requirement of "accessibility"; "the principles of the rule of law are disregarded in the conditions in which the state authorities govern by means of normative acts that are not published in the Official Gazette. The perpetuation and escaladation of this attitude represents a danger to the very basis of the democratic state".

In conclusion the Court considered that given „the fact that the sanction od inexistence attracts the immposability, the juridical effects of the Orders no. 2406 /4.07.2011, no. 2407/4.07.2011, no. 2589/12.07.2011 and no. 2619/15.07.2011 are not opposable to the plaintiff. Therefore the new organization of the Customs National Authority (CNA) which reduced the numbers of positions and the effects of the contest organized by CAN (organized on the basis of the Order no. 2407/2011) cannot produce effects by report to the plaintiff. The contested Order (page 6) relies on the Orders no. 2406 and no. 2407 since their effects are not opposable to the plaintiff due to the sanction of inexistence, the contested order is null and void, being issued on the basis of normative acts affected by capital legal flaws. The principle of the hierarchy of juridical acts and the principle of legality have been disregarded."

3. Lack of approvals required by law

Coming back to the reorganization measures of the Fraud Squad, since 2011, we show that, apart from the issue raised by the lack of motivating the necessity of this reorganization, and because the orders issued by the National Agency for Fiscal Administration have not been published in the Official Journal of Romania, the plaintiffs have invoked other reasons of illegality of the documents through which civil servants were released from office, reasons which have led to the admission of the initiated lawsuits.

One of these reasons concerns the lack of approval of the decision to release from office according to Art. 6 paragraph (1) of the Government Decision no. 1324/2009 on the organization and functioning of the Fraud Squad[9] in its version in effect at the issuance date of the document, according to which "*The County Departments and the Department of the Municipality of Bucharest are each led by a coordinating director who appoints, employees, promotes, sanctions and*

[9] Published in the Official *Journal of Romania*, Part I, no.800 from November 24th 2009

releases from Office the executive personnel under his supervision, with the adequate approval of the Commissioner General. […]"

From the construction of the legal text we can notice that the approval to which it refers is part of the assents, that is „*those approvals that are characterised by their compulsory property, both concerning demand and observance."*[10]As previously shown, „*depending on their legal consequences, approvals can be: optional approvals, situation in which the body issuing the document has the freedom to request or not to request that approval (...) opinion procedure, situation in which the body issuing the document is obligated to request the approval because, in its absence, it cannot issue the approval (...), and assents, situation in which the body issuing the document is obligated to request the approval, but it is also obligated to take the assent into consideration when it will issue the document for which the assent was requested, that is to issue the document while observing the content of the assent."*[11]

The doctrine considers that „*opinion procedures and assents are an important condition of legality of the very document that will be issued, the non-fulfillment of this procedure leading to the absolute voidance of the document"*[12] „*However, approvals shall not be effective by themselves, although without them, when they are assents, administrative acts cannot become valid"*[13].

In accordance with the unanimous doctrine concerning this matter, through the civil decision no. 299/CA from January 23rd 2012, pronounced by the Court of Braşov, Civil division no. II, regarding contentious administrative and fiscal matters, concerning Case no. 10865/62/2011, the court establishes that the challanged document – the decision to release from office – is rendered null due to the lack of the approval specified under Art.6 paragraph (1) of the Government Decision no.1324/2009 regarding the organization and functioning of the Fraud Squad.

IV. Failure to comply with the legal requirements for reappointment

As for the two issues already mentioned above – illegal removal from office, if the public institutions reduce their staff as a consequence of business reorganization, by eliminating the position and rendering the civil service legislation inaccessible, we hereby indicate that the same infringement practice can also be observed when it comes to the redistribution of servants from the Reserve Body on the (temporary) civil service vacancies. Thus, a legislature's guarantee

[10] V. Vedinas, *Drept Administrativ*, (*Administrative Law*), 3rd revised and updated edition, Universul Juridic Publishing House, Bucharest, 2007, p. 92.

[11] D. Brezoianu, *Drept administrativ român*, (*Romanian Administrative Law*), All Beck Publishing House, Bucharest, 2004, p. 82; see also Ioan Alexandru (coord.), Administrative Law, Omnia Publishing House, 1999, p. 439.

[12] A. Iorgovan, *Drept Administrativ- Tratat elementar* (*A Basic Treaty on Administrative Law*), Hercules Publishing House, p. 67.

[13] D. Apostol Tofan, *Drept Administrativ* (*Administrative Law*), Volume II, 2nd edition, C.H. Beck Publishing House, 2009, p. 32.

meant to be granted to the civil servant is eliminated, by means of illegal implementation of the law.

In this respect, we hereby indicate that, according to art. 105 of Law no. 188/1999.

(1) The Reserve Body consists of civil servants that have been removed from office according to art. 99 paragraph (1) letters a)-c), e) and g) and it is managed by the National Agency of Civil Servants.

(2) Civil servants leave the Reserve Body and cease to be civil servants in the following situations:

a) after two years as of the date of entering the Reserve Body;

b) in case the National Agency of Civil Servants redistributes him/her on a civil service vacancy in accordance with his/her studies and professional training, and the civil servant declines it;

c) employment with labour agreement for a period of time longer than 12 months;

d) upon the civil servant's request."

According to art. 104 paragraphs (5) - (8) of Law no. 188/1999, *(5) the National Agency of Civil Servants will redistribute the temporary civil service vacancies following the holder's suspension to the civil servants in the Reserve Body of Civil Servants who fulfill the requirements for holding the respective civil service, for a minimum of one month. In case there are more civil servants who fulfill the requirements for holding public office, the National Agency of Civil Servants will organize a professional examination for the selection of the civil servant that will be redistributed, together with the public authority or institution which provides the vacancy.*

(6) The redistribution of civil servants from the Reserve Body will be decided by the President of the National Agency of Civil Servants.

(7) The managers of public authorities and institutions have the obligation to appoint redistributed civil servants temporarily or permanently.

(8) In case the managers of public authorities and institutions decline to reappoint the civil servants according to art. (7), the civil servant may contact the competent administrative court."

Therefore, it can be easily seen that this a legal benefit. The requirements and procedure for its granting are clearly provided for by the law.

Decision no. 547/April 14th, 2010 of the President of the National Agency of Civil Servants, regarding the professional examination of the civil servants in the Reserve Body of Civil Servants, modified by Decision no. 1935/October 25th, 2010 and Decision no. 985/April 11th, 2011[14], not published in the Official Gazette of Romania. Also, irrespective of the number of candidates who fulfill the requirements for holding public office – therefore, for a single candidate as well – professional examination is performed. Thus, Decision no. 985/April 11th, 2011, provides as follows:

„*Sole article. – The appendix to Decision no. 1935/October 25th, 2010 of the President of the National Agency of Civil Servants, regarding the amendment*

[14] www.anfp.ro

of Decision no. 547/April 14th, 2010 of the same, concerning the professional examination of the civil servants in the Reserve Body of Civil Servants, is completed as follows:

Under article 4, two new paragraphs, (4) and (5), are being introduced after paragraph (3), having the following content:

„(4) Notwithstanding the provisions of art. 3 paragraph (1), if a single civil servant who fulfills the requirements referred to in art. 3 paragraph (2) is selected during the selection process, his professional examination shall consist of an interview in front of the examination commission, according to the provisions of art. 5.

(5) The provisions of this Decision, regarding the examination passing requirements, the prerogatives of the examination commission and the staff ensuring secretary work and the procedure for examination conduction, grading and notification of results, apply accordingly, considering the nature of the examination, within the framework regulated by the provisions of paragraph (4)."

We believe that this regulation blatantly contradicts the provisions of art. 104 paragraph (5) of Law no. 188/1999, which provides that professional testing should only be performed if *"there are more civil servants who fulfill the requirements for holding the respective public office".*

Thus, even if there are temporary civil service vacancies and civil servants removed from office irrespective of their will or culpability, these positions will not be occupied by such civil servants, as the legal subsequent acts allow the dodge of a benefit granted by the law.

Conclusions

Of course, judicial practice may offer many other such examples, since the courts do have many pending disputes, in which civil servants attack the decisions that have removed them from office, as it has already been signaled[15]. Even if the Romanian courts have sanctioned the law violation practices by means of the decisions taken, thus avoiding any possible proceeding against the Romanian state at the European Court of Human Rights, the negative consequences upon the career of civil servants faced with such an issue are difficult to quantify in the long term, as far as the quality of public service is also concerned.

This entitles us to conclude that the civil service status in Romania is far from that regulated by the traditional European democracies, where public servants oscillate according to the government succession of political forces, able to serve any government, irrespective of its orientation. Yet we hope to see some progress in the achivement of such a goal, which is a sign of good governance and an enhancement factor of the state subject to the rule of law.

[15] V. Vedinaş, *op. cit.* (Cât de drept este cu funcţionarii publici statul de drept?), p. 19.

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