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**REVIEW OF THE VOLUME “CONTRACTUL DE
CONCESIUNE” [THE CONCESSION CONTRACT] 2ND
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Abstract

The book written in the second edition of its publication defines the exceptional activity of the author in his field, a field chosen from the doctoral theme, whose research is still ongoing today, in a permanent concern of reporting the public contracts analyze to the European and international space regarding the public contracts and especially, the concession. Moreover, the work underlines a comparison approach between the concession contract on national and international level and the other types of contracts that try to eclipse it, reporting it to both the private and the public domain.

Keywords

Concession; public contract; public domain; Romania; European Union.

Introduction

The paper analyzes **the concession contract in Romania, in the context of the new legislative framework of the European Union, of the consecutive national legislative changes in the field, but also in relation to that specific to other states of the world.** The interdisciplinary character of the concession contract is clear from the combination of the elements of national administrative law with elements of comparative law, but it also touches tangential aspects, inherent in a delimitation as close as possible to the truth of the

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concession, which belongs to civil law, to private international law and not to lastly, public international law.

In 2014, a package of normative acts aimed at modernizing public procurement matters within the European Union was adopted. The new European directives on the matter, have been transposed by Romania into the national legislation through a series of laws, such as Law no. 100/2016, Law no. 98/2016, Law no. 99/2016, Law no. 101/2016, H.G. no. 394/2016, O.U.G. no. 58/2016, through which Edition 2, re-analyzes the concession contract in the light of the new guidelines, with the subsequent modifications.

Content

The work begins frantically with a broad comparison between the concession contract at national and international level and the other types of contracts that try to eclipse it, reporting it to both the private and the public domain.

Moreover, the first chapter of the book is dedicated exclusively to this distinction between the concession of the goods in the private and the public domain, so that the author subsequently consecrates the second chapter of the book of the concession of public works, the third chapter, the concession of the public services and the fourth and not the last one as the importance of the presentation, was designed to present the special in the field of the concession contract, with express reference to the contracts in the oil and mining area, with its international tangents.

It is amazing to present in different plans, but still similar to the concession contract, in the light of the legislative changes, over time, of the reasons for the decisions of the Constitutional Court, in this matter, of the post-decision measures, in relation to the European legislation, to the way it permanently influences, the Romanian point of view regarding the public concession in the matter of goods. The author even devotes two sub-chapters to explain the difference accepted between public and private in the matter of the concession contract.

Both in theory and in application, the institution of the concession has had an evolutionary path and has acquired a universal character due to its presence not only in a certain system of law or in states with a certain socio-legal cultural specificity, but also in the most of the worldwide states. The concession contract has overcome the barriers of space and time, it does not belong to a certain epoch or to

certain economic-social conjunctions, has not ceased to exist and has not become anachronistic. It has continuously transformed, adapting to the needs of society, but maintaining an indissoluble correlation with notions that have always drawn its identity, such as: public domain, public interest or public service.

There is no less interest in the way the author prefers, to conclude each chapter of his book with a synthesis of comparative law that is not limited to the European space but makes a true brief overview of all the positive aspects gathered from the international sphere, in the matter of the concession contract and not only, respectively in the case of public works and services. It is also interesting to approach some sensitive areas of the 30 years post-revolution, such as the forest concession, the species of the public property concession contract and the emphyteotic rental contract, concepts that are little or almost not described by the current doctrine.

The presentation of the public-private partnership was also of equal interest - a field of great interest that sparked numerous controversies and parliamentary discussions until its legislative consolidation, and which the author presents at present and in the European context and in conjunction with the concession of public works as a distinct note not addressed in this way, so far in doctrine.

By the same detailed explanatory prism, the way of resolving disputes regarding public service concession contracts is shown, although it is still a sensitive area marked by the border between civil and administrative. The topics regarding the oil concession and the mining concession, with special regard to the Roșia Montană case and the impact of citizens - environment - economy, are not forgotten.

Strengths such as the interdisciplinary approach were reached, by combining the elements of national administrative law with elements of comparative law, but also of civil law, private international law, public international law, relevant references were made to European and international law by presenting unpublished aspects of the judicial practice, were explained at large how all these were the basis of the changes brought by Law no. 100/2016, Law no. 98/2016, Law no. 99/2016, Law no. 101/2016, H.G. no. 394/2016, O.U.G. no. 58/2016.

Conclusion

The book written in the second edition of its publication defines the exceptional activity of the author in his field, a field chosen from the doctoral theme, whose research is still ongoing today, in a permanent concern of reporting to the European and international space, as a perfect specialist in a context of permanent adaptation of his knowledge and of those she directs, for her work, to serve both professionals in their activity of applying the legal provisions and students who have the possibility to make a bridge between the presented theory with the practical problems of applying the legislative changes produced by the accession to the European space and of course, with the international implications.

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