CANCELLATION OF CLASSIFIED ADMINISTRATIVE ACTS

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Abstract

By reference to the legislation in the field of classified information protection, public authorities and institutions may issue typical, unclassified administrative acts, but also atypical administrative acts, classified as state or service secret, according to their content.

Of course, the protection of this act must not be other than that established by law, and no superior interest can be invoked contrary to the interest of the law to protect the content, so as to prejudice in rights even persons who may have rights and obligations they spring from that act (the jurisprudence on the payment of the military's daily allowance in the theaters of operations and the fact that a dry administrative act was not brought to their attention).

The classified administrative act carries rights and obligations for persons who cannot always be easily identified, and their mere concealment for the stated purpose of protecting their content cannot be imputed to them, as they do not have access to the content of the administrative act in Cause.

The classified contract is another kind of administrative act, but in this case a change of law is required ferenda, in the sense that the mere existence of the title "classified contract" allows misinterpretation contrary to the status granted by law: "any contract under which classified information is circulated". For this situation, which does not comply with European standards on the right to good administration and the right of access to one's own file, the remedy is provided by European and national legislation requiring prudent allocation of classified level, so as not to harm the legitimate interest of individuals or legal person.

Keywords: *administrative act, classified acts, classified contract, motivation of administrative acts.*

1. Introduction

The choice of the title of classified administrative acts does not refer to a didactic categorization or to a literary classification or to the taxonomy of administrative acts found in the specialized doctrine, but the notion of classification evoked in Law no. 182 of 12 April 2002, on the protection of classified information, the classification having a corresponding English language of the word classified, where the literary and legal meaning is of classified information. It follows *in extenso* that we can find in practice classified normative administrative acts, classified administrative acts of individual character as well as legal contracts or classified administrative contracts.

So a classified administrative act (*service secret or state secret*) can be classified by assignment in one of the two classes, in compliance with the legal provisions invoked both by Law no. 182 of April 12, 2002 on the protection of classified information as well as by the application norms represented by the Government Decision no. 585 of June 13, 2002 for the approval of the National Standards for the protection of classified information in Romania.

However, when assigning the class of secrecy and the level, the civil servant must pay attention to the legal issues regarding the consultation of the lists of information decrees of service established by the heads of the units holding such information, as well as the lists of state secret information, approved by a classified decision of state secret level.

In Law no. 554 of December 2, 2004 of the administrative contentious art. 1 para. (2) is regulated the right of any natural or legal person to appeal to the court[1] to submit to the fullness of its control of legality an individual administrative act, which is not addressed to him or is addressed to another subject of law than the one who appeals to the court. However, that article, on the one hand, creates a right of principle, and no person is allowed to proceed in such a way that individual administrative acts are hidden, by classification, or are not communicated to him, with the obvious consequence of not to be able to verify, investigate, examine or control it in order to identify any legal situation that could affect its legitimate rights and interests.

And then we can legitimately ask ourselves, how anyone could know if an administrative act of an individual character classified as a service secret or a state secret is harmful to him, if he does not have the legal possibility to find out about its existence, even more so from the content who can look at it directly.

Therefore, the essential condition for a person to be able to examine an individual administrative act and to determine whether it is harmful to him, is limited to

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[1] The injured party may also be addressed to the administrative court in his own right or in a legitimate interest by an individual administrative act addressed to another subject of law.

his knowledge, by any means provided by law, of its content. Only in such a situation could we claim that art. 1 of the Administrative Litigation Act is operationalized, effective and produces its legal effects as intended by the legislator, otherwise it remains a mere illusory prerogative, and not an effective right or remedy for violation of the law. The conclusion at the disposal of those who assign classification levels is that they could always hide a classified administrative act, in order to evade the control of legality and opportunity of any person.

2. Classified legal acts, theoretical landmarks

By the effect of Law no. 182 of 12 April 2002 on updated information, classified, the sovereign national legislature[2] has assessed that within the public entities, be they authorities or institutions, as well as in the case of economic agents holding classified information, functional structures are organized, compartment level, which have as main objective of activity "*evidence, processing, processing, storage, handling and multiplication of them, in safe conditions*", as it appears *expressis verbis* even from the content of art. 41. We can appreciate *a priori* that for the responsibility given first and foremost to the leader and directly to the immediate lower hierarchical compartment, by the sole legislative authority of the country[3], the classification of information is of particular importance but worth scientifically exploring, but this concern is not studied. this article.

The same legislator delegated to the Government, through art. 42 of the aforementioned law, the ability to establish by an infralegal legal norm - by a normative administrative act, such as the government decision[4], which belongs eminently to the executive power, a series of attributions, among which: classification and concrete establishment of information which have the status of state secret, but also the regulation of concrete protection measures specific to each class of information; regulating the physical flow from their creation to their destruction; obligations and responsibility for the protection of state secret information; establishing the rules regarding the access to the information classified as service secret and state secret, corroborated with the security verification procedure; the rules regarding the access of foreigners[5] to state secret information; other rules necessary for the application of this law[6].

In this context, of the organization and concrete execution of the law, H.G. 585 of June 13, 2002 for the approval of the national standards for the protection of classified information in Romania, normative act that gives rise to a kind of legal contract, called classified contract, by which the executive power understands any type of legal contract concluded between the parties. classified information (special contracts, standard contracts, concession contracts, administrative contracts etc.) is included and circulated. The rule is not very clear, suggesting that the only

[2] According to the decision of the Constitutional Court no. 308 of March 28, 2012 regarding the notification of unconstitutionality of the provisions of art. 1 letter g of the law on the temporary restriction of access to certain public positions and dignities for persons who were part of the structures of power and the repressive apparatus of the communist regime between March 6, 1945 and December 22, 1989, point III is established and resumed the content of the Constitution , from art. 61 para. (1) regarding "*The Parliament is the supreme representative body of the Romanian people and the only legislative authority of the country".*

[3] Art. 61 para. (1) of the Romanian Constitution, establishes that "the Parliament is the only legislative authority of the country". In other words, its power to legislate in accordance with constitutional provisions cannot be limited if the law thus adopted complies with the needs, requirements and requirements of the Basic Law. The legislative monopoly is attenuated and balanced both by art. 115 of the Constitution, which enshrines the legislative delegation, regarding the aptitude of the Government to issue simple ordinances, at para. (1)-(3) or emergency ordinances, at para. (4)-(6). It is consequently observed that the transfer of legislative tasks to the executive authority is carried out following an act of legal and political will of the Parliament. According to the CCR decision no. 152/2020, previously mentioned, point 23, the very plastic constitutional control court evoked that by delegation of competence the Government is not allowed to negatively affect the constitutional rights and freedoms, but the mandate of the executive power must be strictly limited to granting powers. It is necessary in the same way to clarify the ordinances of the Government, elaborated as normative acts, in relation to which the constitutional court, by decision no. 479/2015, point 15, the ordinance does not represent a law in the formal sense, but an administrative act assimilated to the law by the effects it produces, through this point of view ensuring its material criterion. Here we can say, beyond any complete scientific rigor but without error, that the ordinance is an assimilated law, which arose from the concatenation of the formal criterion with the material criterion of the law, defined both in form and content.

[4] By reference to art. 126 para. (6) of the Constitution, the Government decision is not issued as a result of exercising a constitutional power of the Government, as is the case of certain decrees of the President of Romania, but is a real normative administrative act, located at the top of the hierarchy of legal norms. control of the administrative contentious court. In conclusion, the government decision is a normative administrative act on which the control of legality exercised by the administrative contentious courts is allowed, by way of art. 21 (free access to justice) and art. 52 (the right of the person injured by a public authority) of the Fundamental Law. In order to eliminate the errors of assessment of the legal status, we will invoke the same CCR decision no. 152/2020 point 88, where it is stated unequivocally that from the perspective of the content, the decree issued by the President of Romania is an administrative act issued in the exercise of a constitutional attribution. In other words, the President's decree is an administrative act of secondary regulation, which implements an act of primary regulation, such as the Constitution.

[5] The foreigner is legally defined by art. 2 letter a) of the GEO no. 194 of December 12, 2002, republished, regarding the regime of foreigners, as follows: "any person who does not have Romanian citizenship, the citizenship of another member state of the European Union or of the European Economic Area or citizens of the Swiss Confederation".

[6] An unfortunate and long-criticized expression for not complying with the quality requirements of the law imposed by the norms of legislative technique, and it can be interpreted that the Government can extend its mandate alone, as it considers by its own power.

condition for a legal contract, from any branch of law, to become a classified contract, is the circulation of classified information, unrelated to the object, nature, duration, purpose etc. The rule is questionable and may give rise to the existence of legal relationships or rights and obligations that are opposable to third parties, the latter being effectively revoked their prerogative to verify whether they are covered by classified contracts, including classified administrative contracts, and the right the person injured by a public authority, found in art. 52 of the Romanian Constitution republished, is no longer guaranteed and becomes illusory.

For an additional confusion, in art. 3 we find defined the classified document as "*any material that contains classified information, in original or copy, such as paper, storage media, etc.*" Certainly the issuing legislature wanted to refer in the judgment, by the formula of a classified document, to the legal act - *negotium*, not to the ascertaining document - *instrumentum probationis*, which can be a document.

Confusion can also be found in the courts, where classified documents are approached as surreal documents, with limited access that can be imposed even by an administrative authority against the interests of litigants, as understood by the Bucharest Court of Appeal in the communication to a natural person, party to a lawsuit, by the address no. 5/3852/C of May 12, 2021, signed even by the security officer - judge, other than the member of the court panel: "considering the answer communicated by the Romanian Intelligence Service we cannot allow you access to study the documents in the custody of the Department of Classified Documents, except on the basis of an approval from the management of the workplace ". The error of assessment of the court is incomprehensible, and especially it contradicts art. 22 of the Code of Civil Procedure, marginally called The role of the judge in finding out the truth.

As can be clearly seen, in the article relied on, the legislator clearly establishes concrete guidelines for the judge, including the role of preventing any error in finding out the truth. Requesting explanations from the parties, orally or in writing, as a right of the judge, in the event that it is not clarified by the factual circumstances or the reasoning invoked by the parties, cannot be a substitute for a post-dictation solution, as the judge "settles the dispute according to which are applicable to him ", and the address of the invoked public authority does not have the competence to create legal norms or rules for carrying out the process.

The court's approach further violates the fundamental right to defense but also the status of judges found in Law no. 303 of June 28, 2004[7], where the judge is called to apply the law, not to follow the written instructions of an administrative authority which invokes by the address of 06.05.2021, the principle of the need to know, provided by art. 3 to H.G. 585/2002 according to which "only persons who, in order to perform their duties, must work with or have access to such information in order to fulfill their duties" may have access to classified information, if they hold an access authorization / security certificate". The right of access to one's own file is a fundamental right, found in art. 40 para. (2) letter b) of the Charter of Fundamental Rights of the European Union, and the impartiality of those called upon to apply the law may be called into question if, contrary to the law, a simple administrative indication (whether from a central, local or autonomous administrative authority) leads to breaking the law.

3. Preliminary procedure (graceful appeal) in annulment of classified administrative acts

Gracious appeal or prior appeal, an obligation which falls on the person who has to prove it, as a condition of admissibility of the summons, is mandatory[8]. However, in case of non-communication of the classified administrative act, this right is practically paralyzed and cannot be subject to the control of the legality of the court if the legislator himself provided that the classified legal acts are found in security zones class I or class II, being it is forbidden to remove them, even in the case of administrative litigation, outside these areas of physical and legal protection. Apparently the classified legal act, in our case the classified administrative act, is the prisoner of the law and of the space in which it was created, and for the fact that it is not communicated to the person concerned, as is the case of the administrative act issued by ORNISS with the opinion of the Designated Security Authority, creates a situation of blocking access to justice.

A possible fear of filing classified administrative acts in court is unjustified, as

Magistrates have access through classified law to classified information, based on internal procedures, as provided in art. 7 para. 4 letters f) -h) without fulfilling the procedures provided in para. (1) of the same article, regarding the prior verification, regarding their honesty and professionalism, regarding the use of this information.

Similarly, access to classified information should be granted to litigants as soon as classified documents

[7] Law no. 303 of June 28, 2004 (** republished **) on the status of judges and prosecutors.

[8] Rodica Narcisa Petrescu, Olivia Petrescu, Transylvanian Journal of Administrative Sciences , article *Update of the resource administrative in romanian law. Some considerations regarding a recent regulation from french law*, 2012, p. 82.

are filed in the court file, with their introduction in a specific training program, but it is clear that restricting access to classified documents subject to a lawsuit affects the right to defense, the principle of adversarial proceedings and equality of arms, an idea that we support in the form of a bill.

If the classified administrative acts have as object the civil service and aim at granting or establishing salary rights, it is mandatory that prior to notifying the court, the civil servant must go through the preliminary procedure and the object of his request must comply with the limits established by art. 8 of the Law no. 554/2004. Moreover, some courts[9] have expressed the view that failure to comply with the prior procedure, against administrative acts by which they were previously established in respect of payroll, has the effect of inadmissibility of the employer's legal obligation to grant salary rights outside of employment decisions. payroll attacked.

In the administrative litigation, the recognition of a right or a legitimate interest and the reparation of the damage are subsequent to the request which has as object the correction of a typical or assimilated administrative act, under the conditions enacted by the provisions of art. 2, para. (1) letter c) and art. 2 para. (2) of Law no. 554/2004 of the administrative contentious.

Therefore, in accordance with those established by Decision no. 9 in the interest of the law of May 29, 2017, there are situations when the completion of the preliminary procedure is no longer necessary, the person can attack directly in administrative litigation, under the sanction of extinctive prescription for filing an action for damages[10].

The administrative appeal distinguishes several procedures[11]: the administrative appeal filed with the public authority issuing the act (graceful appeal), the administrative appeal filed with the public authority hierarchically superior to the issuing one (hierarchical appeal) and the appeal filed before the court (contentious appeal). Law no. 554/2004 provides, in art. 7 para. (1), the obligation of the injured person to exercise either the graceful appeal or the hierarchical appeal before addressing the administrative contentious court. Therefore, the injured party has the right to choose the type of administrative appeal he will exercise, but it is mandatory to exercise one of them before filing the action in court. The preliminary procedure is regulated as a condition for exercising the right of action, the non-fulfillment of which is sanctioned by the rejection of the action as inadmissible. If the person who considers himself injured introduces the action in administrative litigation without waiting, either for the public authority to respond to the preliminary procedure, or for the legal term of 30 days provided by art. 8 of Law no. 554/2004 to be fulfilled, the action will be rejected as premature.

In the case of classified administrative acts, the graceful / hierarchical appeal may take either the classified form, which will subsequently create the impossibility of attaching it to the summons or an appeal, or to be made in unclassified form, through the means of communication provided by law. .

The prior complaint (graceful appeal) is mandatory, according to the law, in the matter of administrative litigation, being at the same time a condition for exercising the right to sue, the approach being supported by both legal doctrine and consistent jurisprudence on this matter. But there are also exceptions[12] to the graceful appeal, established by way of judicial practice - *per iurisprudentiam*, supported in this respect by the HCCJ Decision no. 9 of May 29, 2017 regarding the unitary interpretation of the provisions of art. 34 of Law no. 330/2009, art. 30 of Law no. 284/2010, art. 7 of Law no. 285/2010 and art. 11 of the GEO no. 83/2014, but also by the HCCJ Decision no. 54 of June 25, 2018 regarding the application of the common law in the matter of administrative litigation[13], respectively Law no. 554/2004, finds its applicability in the civil service litigations that have as object the granting of salary rights, as well as if it is necessary to follow the obligatory procedure prior to the notification of the court by the civil servant. According to the decision no. 9 invoked employees must follow the preliminary procedure in a situation that specifically concerns the notification of the administrative contentious court with actions whose object is the annulment / revocation / modification of the administrative acts that were communicated, by which the employers (those who fall under the laws that form the object of Decision no. 9/2017) established the basic salaries. On the other hand, other categories of rights (aids, bonuses, compensations) regulated by law, which are an integral part of the gross income of the employee, not recognized by the employer, as well as any requests for retroactive granting of these salary rights, do not require prior to the procedure, being applicable the common law that allows the formulation of a direct

[9] Mureș, Craiova and Alba Iulia Courts of Appeal, Bucharest and Iași Courts (sentence no. 603 of April 12, 2018).

[10] HCCJ Decision no. 61 of September 24, 2018 in resolving a legal issue regarding the moment from which the limitation period for filing an action for compensation begins to run, questioning two temporal landmarks: either the time of communication of the illegal administrative act or the date of finality of the the decision to annul this act.

[11] CCR Decision no. 12 of January 14, 2020 regarding the exception of unconstitutionality of the provisions of art. 7 para. (6) and of art. 11 para. (1) letter e) is from the Law on administrative litigation no. 554/2004.

[12] https://legislatie.just.ro/Public/DetaliiDocumentAfis/195636.

[13] https://www.iccj.ro/2018/06/25/decizia-nr-54-din-25-iunie-2018/.

action to the competent court to rule on the disputes regarding the salary rights claimed by the parties[14].

4. Cancellation, legal operation specific to the court

Theoretical-doctrinal landmarks in the field of annulment of normative or individual administrative acts are enshrined by reputable specialists in public or private law, but the annulment of classified administrative acts, normative, individual or contracts, tends to bring an additional practical difficulty by being a species of the administrative act, quite rare in practice, but also very little scientifically researched.

The doctrine defines the annulment operation as *"the legal operation which consists in a manifestation of will in order to determine, directly, the annulment of the act and therefore, the definitive cessation of the legal effects produced by it"*[15].

From the point of view of its nature, the nullity of a legal act, therefore also of the administrative act, is a sanction that intervenes in the situation in which the act is hit by defects of legality, and the Civil Code, at art. 1246 defines it as the sanction that intervenes if at the conclusion of the contract the conditions required by law for its valid conclusion[16] were violated.

In the file no. 1811/2019[17], having as object litigation regarding the statutory civil servants the Bucharest Court of Appeal, analyzing the appeal, found that the plaintiff-respondent, statutory civil servant within the Institution of the Prefect of Teleorman County did not contest the two administrative acts he mentioned in the request for summons (Order of the Prefect no. S / 116 / 19.11.2008 for appointment with 15.11.2008 on a public function of chief specialist officer I, respectively Order no. S / 152 of 31.12.2009 for promotion of 15.12. 2009 on a position with special activities), the object of his request being the obligation of the defendant-appellant to be reassigned to a position, 10 years after his initial assignment. The decision to quash the appealed sentence issued by the Court of Appeal is correct by reference to the provisions of art. 8 para. 1 of Law no. 554/2004[18] of the administrative contentious, where it is expressly provided that the court appeals to the object with which it can be invested, namely "annulment in whole or in part of the act, reparation of the damage caused and possibly reparations for moral damages". In that case, in addition to the fact that the object of the notification is not the annulment of an administrative act which leads *sine die* (at any time) to a negative solution, the term of extinctive prescription of the material right to the action in annulment of an administrative act is also questioned, which affects the stability of substantial legal relations of administrative law, protected by the legislator by prescription. *Addito conclusione* (supplementary) it is noted that from the initial S preceding no. registration, the two administrative acts invoked were classified as trade secrets, and their inclusion in this class does not pose problems for their submission to the control of the legality and validity specific to the administrative acts.

The classified normative acts are still present, *ope legis* (with the help of the law), in the Romanian administration, which wants to be modern and as transparent[19] as possible and which must have the citizen in its center of attention, regardless of its socio-professional status where the general interest must to be the satisfaction of the public interest. The existence of such acts should be reassessed in the light of the rules of European law, the right to good administration and reconsideration by virtue of the fundamental rights to a fair trial, the right to defense, etc., as the classification of service or state secret normative creates for the subject of law to which it is addressed, a report of law about which it has no way to take note, cannot ascertain it and cannot submit it to the control of legality of the courts.

According to Law no. 24 of March 27, 2000, republished, regarding the norms of legislative technique for the elaboration of normative acts, are excluded from the regime of publication in the Official Gazette of Romania: the classified decisions of the Prime Minister; classified normative acts and classified normative acts of an individual character, for which, according to the legislator, it can be either an autonomous administrative authority or a specialized central public administration body.

In the decision no. 2960/2021 of the HCCJ, the supreme court decided to reject the appeal filed by the civil servant against the sentence no. 239/2019 of the Bucharest Court of Appeal, as unfounded, the reason invoked being the failure to go through the

[14] It does not matter whether the rights have been recognized or not by the authorizing officers, nor is it relevant whether the authorizing officer is a public authority or a private legal person having the powers of authorizing officer. We have in this sense the HCCJ Decision no. 28 of April 24, 2017, according to which the notion of public authority is not similar to that of public institution. By assimilation, public authority is also the legal person of private law which, according to the law, in the regime of public power, is authorized to provide a public service.

[15] Antonie Iorgovan, *Treatise on Administrative Law*, vol. II, 4th ed., C.H. Beck Publishing House, Bucharest, p. 72.

[16] Verginia Vedinaș, *Administrative Law*, 12th ed., revised and updated, Universul Juridic Publishing House, Bucharest, 2020, p. 383.

[17] http://www.rolii.ro/hotarari/5cbe6beae49009801e00004a.

[18] Law no. 554 of December 2, 2004 administrative litigation.

[19] Law no. 53 of January 21, 2003, republished regarding the decisional transparency in the public administration, art. 1 para. (2) letters a)-c) stipulate the purpose of the law as increasing the degree of transparency and the level of the entire public administration, from which it is very clear that this obligation of transparency belongs to the central and local authorities but also to the autonomous administrative authorities.

administrative procedure provided by Law no. 360/2002 on the status of the police officer, which had the value of a special norm in question. The court also reiterates doctrinal arguments, taken over by the judicial practice, invoking by right the provisions of art. 7 para. (5) of Law no. 554/2004[20], amended by Law no. 212/2008, where it is expressly provided that in the case of actions in court against administrative acts that can no longer be revoked due to the fact that they entered the civil circuit, the prior complaint is no longer mandatory[21].

A particular situation that is distinguished in the course of an administrative procedure, in the case of classified administrative contracts, as law no. 101/2016 calls it prior notification[22], addressed to the contracting authority, before the notification of the National Council for the Settlement of Appeals or of the Courts, for which it is necessary to declassify all legal acts.

5. Conclusions

The annulment of classified administrative acts follows the same path as the annulment of typical administrative acts, which cannot be considered surreal or have a role other than to protect the purpose for which they were enacted. Classification of an administrative act, whether normative or individual, cannot be an impediment to its control by the courts, as the right to defense under the European Convention on Human Rights would be seriously violated and circumvented from its perspective. of fundamental law would become illusory, no longer having the effectiveness provided by law.

Substantial changes are required to the laws of administrative litigation but also to the laws on classified information, so as to ensure the right to good administration, the right to good administration and quality administration, etc. A necessary amendment contained in the law of contentious *expressis verbis*, where for the objectification of the content and for the applicability and unequivocal applicability of classified administrative acts must be introduced separately, as a kind of legal acts that are subject to contentious control of the courts. By their omission to present themselves as acts that are subject to the control of the judicial authority, one can create the impression of exempt norms, or the Romanian Constitution provided as non-receipt only military acts of command and those related to relations with Parliament.

The second proposal of *lege ferenda*, absolutely necessary, as it violates the law of the European Union regarding the right to good administration, refers to the obligation to motivate all decisions of the administration and the removal from H.G. 585/2002[23] of the mentions found in Annexes 15-17, according to which the person on whom security checks are carried out agrees that the non-granting of the security clearance should not be motivated. The need to remove it is to comply with the rules of fundamental value, both constitutional and European, expressly providing the right of the administration to motivate its decisions in fact and in law. It is also unanimously accepted that it is not possible to derogate from the rules of public policy by a convention contrary to them, which leads to the obvious conclusion that the person's consent not to have motivated the decision not to grant is inadmissible and null and void.

References

- Antonie Iorgovan, *Treatise on Administrative Law*, vol. II, 4th ed., C.H. Beck Publishing House, Bucharest;
- Negruț Vasilica, *The administrative-Jurisdictional Procedure for Solving Complaints Filed under the Provision of the Law on remedies and Appeals concerning the Award of Public Procurement and concession Contracts*, Acta Universitatis Danubius. Juridica, vol. 12, no. 2, 2016;
- Verginia Vedinaș, *Administrative Law*, 12th ed., revised and updated, Universul Juridic Publishing House, Bucharest, 2020;
- Rodica Narcisa Petrescu, Olivia Petrescu, Transylvanian Journal of Administrative Sciences, article *Update of the resource administrative in Romanian law. Some considerations regarding a recent regulation from French law*, 2012;
- Law no. 182 of April 12, 2002 on the protection of classified information;
- Decision no. 585 of June 13, 2002 for the approval of the National Standards for the protection of classified information in Romania;
- Sentence no. 603 of April 12, 2018;
- Law no. 554 of December 2, 2004 administrative litigation;

[20] Law no. 554 of December 2, 2004 administrative litigation.

[21] Decision no. 2960/2021, found at the web address https://www.scj.ro/1093/Detalii-jurisprudenta?CustomQuery% 5B0% 5D.Key = id & customQuery% 5B0% 5D.Value = 183692 # highlight = ##% 20anceal% 20act%.

[22] Negruț Vasilica, *The administrative-Jurisdictional Procedure for Solving Complaints Filed under the Provision of the Law on remedies and Appeals concerning the Award of Public Procurement and concession Contracts*, Acta Universitatis Danubius. Juridica, vol. 12, no. 2, 2016.

[23] Decision no. 585 of June 13, 2002 for the approval of the National Standards for the protection of classified information in Romania.

- Law no. 303 of June 28, 2004 (** republished **) on the status of judges and prosecutors;
- HCCJ decision no. 61 of September 24, 2018;
- HCCJ decision no. 2960 of May 09, 2021;
- CCR decision no. 12 of January 14, 2020;
- CCR decision no. 308 of March 28, 2012.