



The Bucharest University of Economic Studies

Volume 11, Issue 3, December 2021

TRIBUNA JURIDICĂ
JURIDICAL TRIBUNE

Editura ASE
București
2021

**Review edited by the Faculty of Law of the Bucharest University of Economic Studies
and the Society of Juridical and Administrative Sciences (Adjuris).**

The journal is edited with the support of the Ministry of Education and Research.

Juridical Tribune – Tribuna Juridica Journal has been published since 2011 in printed and online version. This journal is published regularly 3 times a year (in March, June and December) and has a special issue in October.

www.tribunajuridica.eu

e-mail: office@tribunajuridica.eu

Journal is indexed in the following databases and online catalogs:



WEB OF SCIENCE

Scopus®

Ebsco, HeinOnline, C.E.E.O.L., ProQuest, ERIH Plus, WorldCat, IBSS, Ulrichsweb, vLex, Juridica.lv, Cabell's Directories, DOAJ, SCIRUS, RePEc, Scipio, BASE, COPAC, IndexCopernicus, Academic Journals Database, OAJI, Academic Publications eJournal, SafetyLit, Sudoc, Genamics JournalSeek, NewJour, Open J-Gate, Miar, Max Perutz Library, ViFaOst, Zeitschriftendatenbank (ZDB), Bibliothekssystem Universität Hamburg, Wissenschaftszentrum Berlin für Sozialforschung (WZB), Elektronische Zeitschriftenbibliothek (EZB), Euro Internet, LivRe!, European University Institute Library, Harvard Library, Stanford University Libraries, Yale University Library, University of California – Irvine Libraries, Miami University Libraries, MOBIUS – Linking Missouri's Libraries, University of Maryland – Francis King Carey School of Law, St.Mary's University Libraries, Sarita Kenedy East Law Library, Jean and Alexander Heard Library, Biblioteca de la Universidad de Navarra, Hesburgh Libraries/University of Notre Dame, Bibliothèque uOttawa Library, The University of Hong Kong Libraries, University of Zurich, eLibrary@Cardiff, University of Nottingham Library, the University of York Library, UCL Library, University of Wisconsin-Madison Libraries, Israel Union Catalog (ULI), Tel-Aviv University Libraries, Tulips-University of Tsukuba Library, University of Iowa Libraries, WorldWide Science.org, GetInfo.

ISSN 2247-7195

e-ISSN 2248-0382

ISSN-L 2247-7195

Director

FLORENTINA CAMELIA STOICA – *The Bucharest University of Economic Studies, Romania*

Editor in chief

CĂTĂLIN-SILVIU SĂRARU – *The Bucharest University of Economic Studies, Romania*

Editorial Board

CATHERINE VINCENT – *University of Orléans, France*

JOSÉ JOÃO ABRANTES – *New University of Lisbon, Portugal*

CORNELIA LEFTER – *The Bucharest University of Economic Studies, Romania*

RALUCA DIMITRIU – *The Bucharest University of Economic Studies, Romania*

BRÂNDUȘA ȘTEFĂNESCU – *The Bucharest University of Economic Studies, Romania*

SMARANDA ANGHENI – *University „Titu Maiorescu”, Romania*

NICOLAE POPA – *former President of the Constitutional Court of Romania, former President of the High Court of Cassation and Justice of Romania*

NINA GUMZEJ – *University of Zagreb, Croatia*

REZARTA TAHIRAJ – *University „Aleksandër Xhuvani”, Elbasan, Albania*

HARSH PATHAK – *Advocate Supreme Court Bar Association, New Delhi, India*

CSONGOR ISTVÁN NAGY – *University of Szeged, Hungary*

CHARLES SZYMANSKI – *Vytautas Magnus University, Kaunas, Lithuania*

SPYRIDON FLOGAITIS – *University of Athens, Greece, Director of the European Public Law Organization*

JAKUB HANDRLICA - *Charles University in Prague, Czech Republic*

JAROSŁAW KOSTRUBIEC - *Maria Curie-Skłodowska University, Lublin, Poland*

BOŠTJAN BREZOVNIK - *Institute for Local Self-Government, Slovenia*

ION TRAIAN ȘTEFĂNESCU

– *The Bucharest University of Economic Studies, Romania*

ION DOGARU

– *University of Craiova, corresponding member of the Romanian Academy*

Editors

SILVIA CRISTEA – *The Bucharest University of Economic Studies, Romania*

BRÎNDUȘA VARTOLOMEI – *The Bucharest University of Economic Studies, Romania*

ANA MARIA LUPULESCU – *The Bucharest University of Economic Studies, Romania*

OVIDIU MAICAN – *The Bucharest University of Economic Studies, Romania*

Editura ASE

Piața Romană nr. 6, sector 1, cod 010374, București, Romania

Telefon: +4(021) 319.19.00 / int. 401, 146

editura@ase.ro

www.ase.ro

www.editura.ase.ro

Redactor-șef: Simona Bușoi

Redactor: Silvia Răcaru

Tehnoredactor: Emilia Velcu

Coperta: Violeta Rogoian

CONTENTS

| | |
|--|-----|
| Adina PONTA Legal instability in cyberspace and OSCE's mitigation role | 411 |
| Nina GUMZEJ Applicability of ePrivacy Directive to national data retention measures following invalidation of the Data Retention Directive | 430 |
| Vira TOKAREVA, Iryna DAVYDOVA, Elena ADAMOVA Legal problems of the use of orphan works in digital age | 452 |
| Dan Claudiu DĂNIȘOR, Mădălina-Cristina DĂNIȘOR Modern solidarity and administrative repression | 472 |
| Leonid TYMCHENKO, Valerii KONONENKO Territory of state as indivisible whole and the norms of Constitution | 497 |
| Jakub HANDRLICA Paradise of territoriality lost: rethinking extraterritoriality in administrative law | 509 |
| Tomáš MALATINEC Local barriers in the efficient use of Green Public Procurement – case of Slovakia | 524 |
| Oleksandr SHEVCHUK, Nataliya MATYUKHINA, Oleksandra BABAIEVA, Anatoliy DUDNIKOV, Olena VOLIANSKA The human right to security in the implementation of the concept of the "right to health protection" | 535 |