
ANALYSIS OF LEGISLATIVE CHANGES REGARDING THE ADMINISTRATIVE CODE

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Abstract: *This article aims to analyse the Administrative Code (Government Emergency Ordinance No. 57/2019) for the period 2019–2025, with an emphasis on changes affecting career development in the civil service (recruitment, promotion, mobility, evaluation). The analysis starts from the assumption that the frequency of changes and the extension of transitional regimes diminish legal certainty and professional predictability, generating institutional and individual costs that are difficult to quantify. Methodologically, the paper combines a legal-dogmatic analysis of normative texts, a diachronic reconstruction of amendments, and an institutional reading of implementation capacity (particularly in relation to the role of the ANFP). The results indicate a clear trend towards professionalisation through skills, standardisation and planning, but also significant adverse effects: excessive proceduralisation (national competition + selection + plans), prolonged transitions (including suspensions until 2026), uneven application and asymmetries in capacity between authorities. The critical conclusion supports the need to stabilise the framework, ex-ante/ex-post evaluations and reduce transitional overlaps.*

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INTRODUCTION

The Administrative Code, adopted by Government Emergency Ordinance No. 57/2019, was designed as a framework regulation designed to strengthen administrative capacity, standardise staff status and provide the conditions for stability and professionalism in the exercise of public functions, including through reform commitments such as national competitions and more coherent human resource management mechanisms. However, this very ambition to "codify" was quickly accompanied by a flurry of subsequent interventions, which created a structural tension between the need for adaptation and the requirement for legal certainty: how much reform can a system withstand without losing its operational coherence and career predictability?



In the logic of the rule of law, changing the rules is not, in itself, a vice; but it becomes problematic when the change is fragmented, repeated and accompanied by prolonged transitions, because it affects the legitimate trust of legal subjects and transforms public careers into a difficult-to-anticipate path, with shifting rules and hidden costs for institutions and individuals (Nica, 2022).

The research question of this article therefore starts from the cumulative impact of legislative changes on the 'infrastructure' of the career: recruitment, promotion, mobility and evaluation, with an emphasis on adverse effects. In practical terms, these effects are particularly evident where reform is delivered through phased mechanisms, suspensions and extensions; for example, some provisions concerning the architecture of recruitment/national competition have been suspended until 31 December 2026, which prolongs uncertainty and creates a transitional regime that risks becoming the norm. At the same time, reconfigurations of performance evaluation and a shift towards competency-based approaches promise modernisation, but also introduce the risk of excessive proceduralisation and uneven implementation, especially when deadlines and implementation tools are pushed into the future or dependent on new subsequent acts.

In the background, integrity and transparency obligations (e.g., the ecosystem of declarations of assets and interests operated by the National Integrity Agency through platforms such as eDAI) add a layer of compliance that becomes all the more burdensome as career rules change frequently, and civil servants can no longer clearly distinguish between what is essential and what is merely a new procedural formality.

In this context, this study has three objectives:

- first, to inventory the relevant changes between 2019 and 2025 and organise them thematically, including by referring to recent interventions such as Law No. 49/2025, which confirms the continuity of amendments to the Administrative Code (Romanian Parliament, 2025);
- secondly, to critically evaluate each change by explicitly comparing the pros and cons and the costs/risks involved, with a deliberate focus on the negative consequences for career development (from recruitment and promotion bottlenecks to demotivation and litigation);
- thirdly, identifying recurring patterns—extensions, derogations, "reforms" with delayed implementation, procedural overload—and discussing them as symptoms of regulatory governance that can erode meritocracy rather than strengthen it.

CONCEPTUAL FRAMEWORK AND CURRENT LEGISLATIVE SITUATION

The literature on public administration and public law treats normative change as a legitimate tool for modernisation, but insists that, beyond a certain threshold, legislative dynamics cease to be "adaptation" and become an autonomous source of institutional and professional uncertainty.

The concept of "legislative inflation" captures precisely this accumulation of successive interventions, often not systematically correlated, which dilute the coherence of regulation and transfer significant costs to organisations and individuals in the form of relearning procedures, recalibrating internal flows and multiplying transitional situations.

From a legal and institutional perspective, the critical effect is not only the "volume" of changes, but their discontinuity: rules that come into and out of force, reforms that are launched through derogations and extensions, or partial solutions that fragment the architecture of the normative act. These risks are discussed in Romanian literature on the quality of legislative drafting and the intelligibility of law, where legislative simplification is seen as a reaction to the abundance of norms and the instability of rules, precisely in order to protect clarity and understanding by the recipients (Popescu & Ciora, 2012). Conceptually, "legal certainty" operates as an evaluative filter



that combines the requirements of clarity, predictability and stability with the idea of legitimate trust in the state's regulatory conduct; it does not exclude flexibility, but sanctions untimely change and inconsistency, especially when it affects professional statutes and reasonable expectations. Romanian constitutional case law reiterates that predictability requires rules that are sufficiently clear and precise to allow the legal consequences to be anticipated to a reasonable extent (Constitutional Court of Romania, 2025a), and instability, as the constant questioning of a "barely regulated" area, is incompatible with legal certainty and legitimate expectations (Constitutional Court of Romania, 2025b).

In recent doctrine, legal certainty is also discussed as a formal limit on normative power and as protection against arbitrariness, including by reference to legislative technique rules (Nica, 2022), and the analysis of the principle of predictability emphasises both the dimension of "understanding the norm" by the recipient and the dimension of stability/consistency over time as prerequisites for compliance (Pintilie, 2023). In such a framework, stability is not synonymous with inertia, but with a rhythm of change compatible with implementation and professional accumulation, and Law No. 24/2000 on legislative technique even provides the formal "grammar" of this aspiration: systematisation, correlation, avoidance of parallelism and ensuring accessibility (Romanian Parliament, 2000).

Against this backdrop, the literature on public service treats career as a mechanism of professionalisation that transforms the administration from a circumstantial aggregate into a stable, predictable and accountable body through merit-based recruitment, transparent promotion, systematic professional development and political neutrality. The European standards formulated within SIGMA insist on the idea that the administrative rule of law requires not only rules, but also institutions capable of applying them consistently, and that the civil service needs stable personnel procedures to ensure continuity and performance (OECD/SIGMA, 1999).

In the same vein, "Public service and human resource management" is described as a field in which merit and professionalism are not mere declarative values, but "key elements" that require coherent and consistent policies, in other words, a normative environment that does not undermine career planning and motivation through repeated reconfigurations of the rules of entry, promotion and mobility (SIGMA, n.d.). Older but still relevant public policy literature links professionalism to human resource systems that reward performance and create predictable paths, warning that piecemeal reforms tend to produce paradoxical effects: they increase procedures without necessarily increasing the quality of administrative decision-making (OECD, 1997). In this logic, a career is not just a "succession of steps" but an institutional promise: effort and competence are converted into progress, and the state limits its discretion through predictable rules; when the framework is frequently changed, the promise erodes and the administration may slip into defensive behaviour (formalism, avoidance of responsibility, emphasis on bureaucratic compliance at the expense of results), with a direct effect on its ability to attract and retain staff. Finally, contemporary literature introduces a third conceptual pivot: competency-based management and digitalisation.

The competency approach promises standardisation and comparability, defining more clearly 'what performance means' and linking recruitment, assessment and training in a coherent chain; the OECD framework on administrative skills and capabilities argues that administrations need sets of skills adapted to complexity (analysis, collaboration, citizen orientation, leadership), and their development requires integrated management tools, not just new rules (OECD, 2017). However, the literature warns that institutionalising skills can degenerate into formalism if it is transformed into a procedural superstructure (excessively detailed grids, rigid indicators, disproportionate documentation), especially when institutional capacity is limited and changes follow one another

before practices have matured. SIGMA analyses on the professionalisation of public management show that the development of a competency framework (especially at senior level) is only useful if it is supported by credible selection, development and evaluation systems, otherwise it risks remaining a normative 'label' with no effect on meritocracy (OECD/SIGMA, 2018).

Digitalisation, in turn, promises efficiency, traceability and transparency, but requires digital skills and data governance; the OECD framework for digital talent and skills emphasises that digitalisation is essentially a matter of organisational capacity and culture, not just platforms (OECD, 2021). Furthermore, the literature on the digitisation of public services shows that digital tools only increase performance if they are monitored and evaluated; otherwise, they can amplify rigidities and mask discretionary decisions behind automated flows (OECD, 2022). For this article, these three lines (legislative inflation–legal certainty; career–professionalisation; skills/digitalisation–modernisation with the risk of formalism) constitute the framework that will guide the critical reading of the amendments to the Administrative Code: not just 'what has changed', but how the change affects predictability, merit, proportionality and career motivation in the civil service.

AMENDMENTS WITH AN IMPACT ON CAREER DEVELOPMENT IN THE CIVIL SERVICE

At the heart of the recent changes impacting career development in the civil service is a shift in language and tools: from a career defined primarily by rank, seniority and established procedures to a career governed by skills, multi-annual planning and centralised recruitment mechanisms. However, although this shift promises greater professionalism, in practice it leads to increased uncertainty and administrative costs, precisely because of the way in which it is being introduced "in stages", through transitional rules and overlapping phases.

The first relevant cluster is that of competence-based career management and performance appraisal, introduced and consolidated by Government Emergency Ordinance No. 191/2022, subsequently approved by Law No. 348/2023, which explicitly anchors the annual appraisal of individual professional performance "based on competences", and the effects of the assessment are linked to career-sensitive decisions, such as promotion, the awarding of bonuses, but also a 10% reduction in salary rights until the next assessment, in the event of a "satisfactory" rating, or dismissal from public office, which raises the stakes of the assessment from a managerial formality to an instrument with material and disciplinary consequences.

In terms of advantages, the idea of competencies theoretically offers comparability and a bridge between job description, evaluation and professional development, and Law No. 348/2023 reinforces this direction by integrating general and specific competencies into the standardised job description and by differentiating between executive and management positions, which can create the conditions for uniform standards.

However, the drawbacks outweigh the promise: the reform is designed as a system dependent on frameworks and methodologies that are developed, approved and implemented gradually, and this phased approach produces exactly the opposite of career predictability, because civil servants and human resources departments cannot know for sure "by what instrument" competencies will be assessed in a given year, especially when subsequent interventions introduce different derogations and deadlines for different categories of authorities and institutions.

In addition, competencies risk becoming a procedural formality if they are translated into standardised indicators without an organisational culture of feedback, without trained evaluators and



without sufficiently robust appeal mechanisms, and here the administrative cost becomes double: time and resources consumed for compliance, plus the risk of uneven implementation across institutions, which can lead to career inequalities (the same performance assessed differently depending on local capacity).

The likely side effects are an increase in litigation and a defensive orientation of the evaluation (balanced ratings given to avoid conflict), and the difficult open question is how the state can transform competencies into a real tool for development and not into a punitive or arbitrary mechanism, especially when evaluation influences salary and job stability.

The second cluster, with a direct impact on entry into the civil service and, implicitly, on mobility and promotion, is that of national competition and recruitment planning, reconfigured by GEO No. 121/2023 and the related rules in the annex on career organisation and development: the recruitment stage is carried out through a national competition organised by the ANFP, based on the recruitment plan approved by Government decision, and the selection stage is subsequently carried out by each public authority or institution based on the same plan, which explicitly establishes a two-stage architecture. The advantages are easy to list and should not be denied: standardisation can reduce local arbitrariness, and publicity and scheduling can increase transparency, including through the publication of announcements and the periodic organisation of recruitment at least twice a year (Romanian Government, 2023b).

However, this is precisely where the structural disadvantages accumulate: centralisation creates a risk of systemic blockage, because a single link (ANFP) becomes decisive for the entire chain of job filling, and the candidate's career and the institution's needs become dependent on the central calendar, not on the dynamics of the public service; in addition, the two-stage process prolongs the time it takes to actually fill the position, which can push institutions towards temporary solutions (delegations, interim appointments, informal redistributions), affecting the quality of services and generating tensions within teams, especially in institutions with chronic staff shortages.

However, the most problematic aspect remains the prolonged transition: Government Emergency Ordinance No. 121/2023 operates with derogations and differentiated deadlines for the development of the competency framework and planning elements, with extensions until 31 December 2026 for certain institutional categories, which reinforces the impression of a permanent transitional regime and erodes the predictability of career paths.

The often overlooked side effect is the accentuation of institutional inequalities: where administrative capacity and digital competence are low, data reporting, timetable compliance, platform management and selection preparation will be weaker, and the cost will be seen in lower chances of rapid employment, coherent integration and further career development.

The open question is whether standardisation through national competition will produce real meritocracy or just a new form of proceduralisation, in which the final selection is moved to the second stage and central recruitment becomes more of a general filter than an effective guarantee of quality.

The third cluster concerns promotion and access to management positions, where the rules explicitly emphasise the existence of a promotion plan as a career planning tool: planning tools include the recruitment plan, the promotion plan for public management positions, internal management tools and the professional development plan, and the promotion plan is drawn up for a period of two years and is approved by Government decision.

The apparent advantage is orderliness: promotion is no longer just a one-off event, but becomes part of systematic planning. The disadvantages, however, relate to the transformation of planning into a restrictive mechanism: the rules provide for administrative consequences for failure



to transmit information in electronic format, and such conditions can turn the plan into a bureaucratic filter that penalises institutions with limited capacity and, indirectly, the officials in those institutions, reducing opportunities for promotion through a cause extrinsic to merit.

Problems arise when access to leadership depends on a long succession of approvals, timetables, platforms and formalities: in this case, those who master the procedure and have institutional support win, not necessarily the most competent.

The side effect is an increase in formal compliance and dependence on timetables, and the open question is how to preserve the idea of planning without turning promotion into a rigid process that blocks the institution's response to real needs and discourages aspirants through complexity.

The fourth cluster concerns mobility (transfer and secondment) and the collateral effects on careers, as GEO No. 121/2023 introduces transitional provisions for secondment and transfer between categories of authorities and institutions from 1 July 2024, with reference to the relevant articles of the code, which shows that mobility is becoming an area of fine-tuning, dependent on the institutional category and the calendar moment.

Against this backdrop, Emergency Ordinance No. 116/2022 intervened specifically on transfers upon request, including establishing that the transfer takes effect from the date of the change in the employment relationship established by administrative act, without exceeding 30 calendar days from the issuance of the act, and setting transitional rules for requests submitted prior to its entry into force, which confirms the tendency to regulate mobility through successive adjustments.

The major disadvantage here is that when the rules change repeatedly, the civil servant loses their bearings (what is allowed, when, with what effect on seniority, rank, rights), and institutions can use mobility either opportunistically (to circumvent competition, if the regime is too elastic or too opaque) or defensively (by blocking it, if the regime becomes excessively rigid and risky).

The side effect is a decrease in the circulation of competence where it would be necessary and, at the same time, an increase in suspicion of favouritism where transfer becomes too easy, and the open question is how mobility can be designed as a genuine tool for development (learning, diversification, retention) without becoming a channel for avoiding merit or, on the contrary, a paralysing mechanism. Finally, the fifth cluster, although apparently "vertical" and distant from the executive public function, has an indirect effect on the career climate: Law No. 49/2025 introduces a new chapter of ethics and conduct rules for members of the Government and other persons holding public office at central level, with the stated aim of establishing ethical conduct, strengthening integrity and instituting rules on gifts, transparency of interests and relations with third parties that could influence the decision-making process.

The advantage is that it strengthens expectations of integrity at the top, but the downside, in terms of career logic, is fragmentation: if ethics at the level of public office are strengthened without correlation with the stability and predictability of the 'horizontal' mechanisms of public service (recruitment, evaluation, promotion, mobility), the reform risks being perceived as symbolic, and civil servants may feel a gap between increased regulatory requirements and unstable career tools. The side effect may be an intensification of the culture of formal compliance (reporting, declarations, procedures) without a proportional improvement in motivation and career prospects, and the question remains: how can integrity, meritocracy and regulatory stability be harmonised so that careers are demanding, fair and predictable, rather than just more bureaucratic?



THE CUMULATIVE EFFECT OF CONTINUOUS CHANGES

The discussion about the cumulative effect of changes to the Administrative Code on careers in the civil service cannot remain at the level of counting "how many documents have been issued", because the real problem is the transformation of the reform into an almost permanent transitional regime, in which the rule becomes provisional and the provisional ends up being treated as normal. In particular, the combination of reforms launched with phased implementation, methodologies dependent on subsequent acts and explicit suspensions until the end of 2026 creates the impression of an unfinished institutional project: not because change is wrong in itself, but because it is delivered as a succession of calendar thresholds and exceptions, which weakens the administration's ability to internalise the reform and turn it into stable practice.

Government Emergency Ordinance No. 121/2023, with its architecture of transitions and suspensions, is emblematic of this logic: on the one hand, it introduces structural mechanisms such as national competitions, recruitment planning and career management tools, while on the other hand it postpones or suspends elements of implementation for certain institutional categories, pushing the "final state" of the reform into an ever-shifting horizon.

At the same time, the changes regarding competence-based performance assessment, anchored by GEO No. 191/2022 and validated by Law No. 348/2023, are relevant not only for the intention of professionalisation, but also for the psychological and legal effect of phasing: competencies become an evaluation criterion with consequences for salaries and even termination of employment, but the concrete tools for measurement and application depend on very uneven methodological frameworks and institutional capacities, which amplifies the risk that the reform will be perceived as uncertainty rather than standardisation.

This transitional regime results in invisible costs to careers, primarily through reduced predictability: promotion and mobility are no longer perceived as steps governed by stable rules, but as opportunities contingent on the central calendar, platforms, the transmission of data sets and the manner of applying the norm.

This instability produces a form of institutional anxiety, easily recognisable in the everyday language of the administration – "which version of the rule applies today?" – and has a chilling effect on professional initiative: the prudent civil servant postpones decisions (transfer, competition, application for management) until the rules become clear, and the prudent institution postpones reorganisations or prefers temporary solutions, precisely in order not to invest in a mechanism that may be changed again.

Secondly, invisible costs manifest themselves in the increased risk of litigation and inconsistent practices: when rules are layered (changes, transitional rules, exceptions), two institutions may end up applying the same career concept differently, either due to divergent interpretations or different capacities for compliance, and this inconsistency works against merit, as professional rights and expectations end up depending on where you work, not just on performance. Against this backdrop, there is a major tension between merit and procedure: meritocracy can be undermined not only by explicit arbitrariness, but also by over-proceduralisation, when the path to recruitment, selection, promotion or mobility becomes so complex that it selects 'the ability to navigate the procedure' rather than actual professional competence.

National competitions and multi-annual planning can reduce local arbitrariness, but if they add a double stage and a rigid administrative chain, the result can be unfair selection through exhaustion and delay: those with resources, time and institutional support advance, while those who are competent but stuck in institutions with limited capacity are left behind (Romanian Government,



2023). In the same vein, competency-based assessment promises objectivity, but in the absence of uniform implementation and a mature managerial culture, it can become punitive formalism or informal negotiation of ratings, affecting confidence in fairness and, implicitly, career motivation (Government of Romania, 2022; Parliament of Romania, 2023). Therefore, the cumulative problem is not 'too much reform', but reform administered as a succession of provisional measures: a system in which rules change before institutions can stabilise them in practice tends to transform merit into procedural hazard and career into a path lacking a normative compass, with institutional and human costs that do not appear in explanatory memoranda but are visible in the performance and credibility of the administration.

CONCLUSIONS

The conclusions of this approach must start from a simple but decisive distinction: between the intention of the reform and its institutional effect. At the declarative and normative architecture level, successive amendments to the Administrative Code indicate a coherent direction: the professionalisation of the civil service career through skills, standardisation and planning tools, as well as through an attempt to make entry into the system and professional mobility more transparent. Performance evaluation based on skills, with direct effects on career progression and remuneration, suggests a transition from a logic of seniority to a logic of measurable performance, and the introduction of the skills framework into job descriptions and evaluation mechanisms promises comparability and a better link between training and the real needs of the job.

Similarly, the national competition mechanism organised by the ANFP and the introduction of a two-year recruitment plan aim, at least in theory, to reduce local arbitrariness, increase predictability for candidates and institutions, and strengthen the transparency of public recruitment procedures through scheduling and standardisation.

These gains, viewed as guidelines, are significant: they show that the legislator has identified structural problems in the system (fragmentation, lack of uniform standards, vulnerabilities in recruitment) and has attempted to address them through mechanisms that, in many European administrations, are associated with meritocracy and institutional capacity. However, critical analysis shows that this stated direction comes at a major cost, with a cumulative effect on careers: regulatory instability and prolonged transitions reduce legal certainty, weaken legitimate trust and make career paths less predictable. In practical terms, this instability manifests itself not only as a "number of amending acts", but also as a stratification of transitional rules, derogations and suspensions that result in the coexistence of old and new regimes in parallel for long periods of time; the consolidated form of the Administrative Code on 8 April 2024, which includes an extensive list of interventions, is a clear indicator of this phenomenon.

The suspensions and calendar thresholds that push the application of certain components until 31 December 2026 keep the system in a state of regulatory limbo, with an impact on career planning: civil servants no longer plan their career paths based on stable rules, but on assumptions and exceptions, and institutions no longer manage human resources with a view to development, but rather with a view to procedural survival.

Added to this disadvantage is the procedural burden produced by the chain architecture of recruitment (national competition followed by selection), supplemented by multi-annual plans, reporting and administrative conditions, which can slow down the filling of posts and push



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institutions towards provisional solutions, with adverse effects on the quality of public service and the professional climate.

The procedure is not a bad thing in itself, but it becomes a problem when its density exceeds the actual capacity for implementation, and then meritocracy risks being undermined not by explicit arbitrariness, but by unfair selection through complexity: those who have administrative support, time and familiarity with the new mechanisms will advance more easily than those who are competent but stuck in under-capacity institutions. This is where a third disadvantage emerges: the asymmetry of capacity between authorities, whereby the same rule produces different effects and generates structural inequalities.

Standardisation, conceived as unification, may end up amplifying differences, as institutions with limited human resources, modest digital infrastructure or high staff turnover will find it more difficult to implement the new tools, will delay reporting and will have fewer real opportunities for recruitment and promotion, which directly affects career development opportunities in certain territories and administrative areas. At this point, the critical conclusion is that the main problem is not the direction of the reform, but the way it is administered: gradual reform, overlaid with exceptions and distant deadlines, reduces legal certainty and turns careers into a continuous interaction with transitions, rather than a predictable and merit-based professional path. Therefore, the recommendations, although optional in a strictly descriptive article, become useful in an analytical article: firstly, stabilising the regime by limiting ad hoc changes and consistently consolidating the rules so that corrections are rare, well-motivated and systematic; secondly, establishing an ex-ante and ex-post assessment of changes with an impact on careers, not just as a formal exercise, but as a mechanism for verifying feasibility and effects on recruitment, retention, mobility and motivation; thirdly, strictly correlating implementation deadlines with institutional capacity, i.e. a realistic transition policy that includes resources, training and infrastructure, not just timetables; Finally, reducing transitional overlaps to avoid the prolonged coexistence of different regimes and divergent interpretations, which are direct sources of inconsistent practices and disputes. In terms of a mature administration, career reform is not achieved by multiplying instruments, but by stabilising them: skills, standardisation and transparency become real benefits only when applied in a predictable, implementable and equalising framework, not in a regime where the rules change before institutions and people can turn them into professional routine.

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