

Environmental Urbanism and the Right to a Good Administration

SONIA STOICA

ABSTRACT

This analysis is part of a larger approach of the relationship between “The right to a good administration” and “Environmental urbanism”, which are analysed by a correlation to a “Good governing”.

The basic idea of the paper is built at the intersection between the two concepts, in this analysis, introducing the term of “Good administration standard” as a derivative and secondary variable of the entire equation (Good administration, Right to a good administration, Environmental urbanism, Good governing).

KEYWORDS: *environment, environmental urbanism, good administration, good administration right*

1. Introduction

In reality as one can observe from the conclusions of the paper, the aim of the entire analysis is to see to what extent the “Right to a healthy living environment”, which is also present in the Romanian Constitution, Art. 35¹⁾, can be converted into an autonomous and explicit “Good administration standard”, with its sub-indicators taken from the field of Environment Law, extended and applied in the Romanian case law of urbanism and land layout, mainly, by three laws arisen in different stages of the Romanian democracy: *Law 50/1991 on the authorisation for the execution of construction works (which contains the first environment obligations for construction)*²⁾, *Law 350 on land layout and urbanism*³⁾ and ***Law 24/2007 on the regulation and management of green spaces in the built-up area of localities***⁴⁾.

¹⁾ Art. 35 – Right to a healthy environment: (1) The State recognizes the right of any person to a healthy and ecologically balanced environment. (2) the State ensures a legal framework for the exercise of this right. (3) Natural and legal persons have the duty of protecting and improving the environment; <http://www.cdep.ro/pls/dic/site.page?id=339>.

²⁾ <https://legeaz.net/legea-50-1991/>.

³⁾ <https://legeaz.net/legea-350-2001-amenajarea-teritoriului-urbanismul/>.

⁴⁾ <https://legeaz.net/text-integral/legea-24-2007-actualizata-si-republicata-legea-spatiilor-verzi>.

2. What is Urbanism? *Urbis* – as “science of town layout”

The authors of the treaties on urbanism and of urbanism law show that the term *urbanism* was first used by Ildefonso Cerda in the paper “General Theory of Urbanism” (1867). The Latin “*Urbis*” became the equivalent of the *science of town layout*. Although this term is relatively recent, Elena Maria Minea observes in *Cursul de Urbanism și Amenajarea Teritoriului (The Course of Urbanism and Land Layout)*⁵⁾, and in the paper *Planificare urbană. Urbanism. Doctrină și reglementări juridice (Urban Planning. Urbanism. Doctrine and Legal Regulations)* (2016)⁶⁾ that the subject matter with the same name can also be found during the time of the Roman Empire, with a reference to the cities with an orthogonal, regulated plan. In the above-mentioned approach, *Urbanism* is often treated as an art and science at the same time, which serves in the interest of the inhabitants of the settlements, regardless of their size.

Elena Maria Minea considers that *Urbanism* is supported on 4 general rules – principles, considered by the authors we cite, to be applicable in any country in the world and that are placed from the basic rules of public policies and of urban organization, up to rules regarding the penalties for non-compliance; “(...) – principles of urbanism regulation; – relative principles to individual permits for the use of the urban soil; – principle of occupational urbanism; – principle regarding the law on urbanism”⁷⁾.

Mircea Duțu shows in the paper *Urbanism Law* (2009) that, for the purpose for which we operate nowadays, the term of “urbanism” does not have more than a century and a half, although, he highlights that, going deeper into history, towards Ancient Greece, the activity as such is much older: the systematization and organization of cities is a field in which “urbanists” work since the time of organising Fortresses. Mircea Duțu shows that in French, the term appears only in 1910 (in an article of Paul Clerget) and in Romanian it was taken over as a neologism in the period between the two World Wars⁸⁾.

⁵⁾ Minea, Elena Maria. 2014. *Urbanism and Land Layout, Faculty of Political, Cluj Napoca, Romania: Administrative Sciences and Communication Specialization: Public Administration*, pp. 6-7; also see Minea, Elena Maria. 2016. *Urban Planning. Urbanism. Doctrine and Legal Regulations*, Bucharest, Romania: Pro Universitaria Publishing House, pp. 23-36; The history of urbanism as a doctrine and preoccupation of administrative sciences, from Antiquity through the Middle Ages, Renaissance and Modernity, up to the Romanian contemporaneous case law in the field can also be found in Duțu, Mircea. 2010. *Urbanism Law* 5th Edition. Bucharest, Romania: Universul Juridic Publishing House, pp. 29-31.

⁶⁾ Minea, Elena Maria. 2016. *Urban Planning. Urbanism. Doctrine and Legal Regulations*, Bucharest, Romania: Pro Universitaria Publishing House.

⁷⁾ Minea, Elena Maria. 2014. *Urbanism and Land Layout, Faculty of Political, Cluj Napoca, Romania: Administrative Sciences and Communication Specialization: Public Administration*, pp. 6-7.

⁸⁾ Duțu, Mircea. 2010. *Urbanism Law* 5th Edition. Bucharest, Romania: Universul Juridic Publishing House, p.31.

Regarding the meaning of the concept of *Good administration*, contemporaneous urbanism has a humanitarian dimension that starts from the citizens' needs – members of the population living in the city (or locality, taking into account that the Romanian law does not differentiate between categories of localities or administrative-territorial units in terms of the urbanism documentation).

Urbanism in its contemporaneous meaning is no longer an ensemble of activities that refers to lands, buildings and plans for the organisation of the infrastructure – as it was mainly understood in its historical ages, but as an ensemble of measures, regulations which aim at the maximization of citizens' welfare.

By the contemporaneous approach of urbanism, the city does not mean a simple infrastructure, buildings and their organization, but an ensemble of social, economic, utilitarian, healthy lifestyle measures, to which greening measure are added for the purpose of ensuring a dimension of clarity of life more and more necessary in conditions of environmental pollution and degradation of city resources in the last decades. *Contemporaneous urbanism* does not only aim at the city in terms of technology, infrastructure and buildings, their organization, but at the welfare of the inhabitants of the cities⁹⁾.

Moreover, *Urbanism* with its contemporaneous meaning does not refer exclusively to the layout and organisation of cities and their administration, but to the concern for all categories of localities, including the ones that do not have the status of a city – for instance, nowadays it is hard to imagine the urban without the rural around it – spaces for spending free time, but, mostly, spaces to inhabit around the cities for persons who work during the day in the city – it is about the phenomenon called “pre-urbanisation”¹⁰⁾.

Thus, Mircea Duțu proposes to us in the *Urbanism Law* (2010) a complex definition, that he calls “three-dimensional” for the “Urbanism Law”, which intercrosses with the issue of land layout, urbanism and edification of constructions.

The main field around which the legal field of urbanism is built on for the Romanian case law is Framework no. 350/2001, which manages the Romanian land defined as “a national wealth”¹¹⁾.

Urbanism and Land layout¹²⁾ are two instruments that ensure the general interest for a balanced space development, the protection of natural and built patrimony, improvement of life conditions in urban and rural localities, as well

⁹⁾ Duțu, Mircea, *op. cit.*, p. 45.

¹⁰⁾ Duțu, Mircea, *op. cit.*, p. 36.

¹¹⁾ <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

¹²⁾ Land Layout ART. 7 The basic purpose of land layout is the harmonization at the level of the entire land of economic, social, environmental and cultural policies, et out at a national and local level for the purpose of ensuring the balance in the development of various areas of the country, monitoring the increase of cohesion and efficiency of economic and social relations between these.; <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>; also see Minea, Elena Maria. 2014. *Urbanism and Land Layout, Handbook*, Cluj Napoca, Romania.

as ensuring territorial cohesion at regional, national and European level (Art. 2 paragraph 3).

The administration and protection of the national patrimony are carried out by means of land layout and urbanism; these being defined as “ensembles of general interest complex activities”, whose purpose and objectives are connected to a balance of space development, protection of natural and built patrimony, improvement of conditions of living in all the areas of the country and ensuring land cohesion at all levels – regional, national and European¹³⁾.

As the Law defines urbanism, it is a *complex activity, made of three different elements* (operation, thoroughness, regulation) and which is strictly connected to local autonomy and the decision of the local authorities managing that administrative and territorial unit (art. 4-5).

In line with Art. 4, Urbanism must represent an activity:

- a) operational;
- b) integrative;
- c) regulatory, by specifying the means of using the lands, defining the destinations and overall size of the buildings, including the infrastructure, layouts and plantations¹⁴⁾.

Article 5 of the same Framework Law also sets down the competences, but also the responsibilities that fall on public authorities in terms of urbanism. Thus, the public authority has the right, but also the obligation/responsibility in terms of land layout, in agreement with the principles of transparency and partnership, of decentralisation of decision, the administration of the land layout must be done in compliance with the principle of durable development and of the quality of community life and the citizens in the population it manages paragraph 2 of the same article establishes obligations for the economic operators carrying out activities on the land managed by that public authority¹⁵⁾.

In line with the law, *Urbanism* is an activity different than *Land Layout*, in the sense that *Urbanism* deals with the directions of space development of urban localities, but also rural ones, by means of drafting and implementing strategies for durable development and short-, average- and long-term integrated in Romania, which should be “in agreement with the economic, social, cultural and territorial potential of these and with the inhabitants’ dreams” (art. 10 and art. 12)¹⁶⁾.

¹³⁾ <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

¹⁴⁾ <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

¹⁵⁾ <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

¹⁶⁾ “Urbanism ART. 10. Urbanism has a main purpose the stimulation of the complex evolution of localities, by drafting and implementing strategies for spatial, durable and short-, average- and long-term integrated development: ART. 12 Urbanism aims at establishing directions for the space development of urban and rural localities, in agreement with the economic, social, cultural and territorial potential of these and with the inhabitants’ dreams”. <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

Land layout, as an activity carried out by the public administration at all the levels of organisation, refers to the “harmonization of all policies” set down at the national and local level – economic, social, environmental and cultural. If *Urbanism* refers to administrative and territorial units, *Land Layout*, pursuant to Law 350/2001, aims as a basic activity “the assurance of balance in the development of various areas of the country, pursuing to increase the cohesion and efficiency of economic and social relations between them”¹⁷⁾.

I mention that the first law which made a reference to urbanism and urbanism ecology in the history of the Romanian case law after 1989 is the Law for the authorisation of constructions in 1991¹⁸⁾ which intercrosses the Urbanism Law. To these, one must also add Law 24/2007 on the layout of green spaces in the built-up area of localities¹⁹⁾, through which I believe that from another point of view *Environmental urbanism* and the *Good administration* can correlate.

From the previously presented definitions, *Urbanism* is a science of organisation and administration, of design and regulation of the use of resources for the development of human communities – being the same for any type of locality, from small communes with 1500 inhabitants to cities of 35 mill. inhabitants, as is Tokyo.

3. Public administration – Environmentalism as a support for a Good administration

ECOLOGY represents the study of the relations and interactions between various organisms in their environment. As a political doctrine, Environmentalism refers to “(...) the setting down of the very complex report between nature, individual and community. Environmentalism pleads for the preservation of identity despite cohabitation with different peers”²⁰⁾.

The historians of environmental doctrines and ideologies showed that Environmentalism was built at the beginning of the 70s of the 20th century and appears as a reaction to the lack of interest of polluting industries to the environment. The trend of environmental ideas takes over the values of democracy, to which it adds social and Christian moral protection (Catholic environmentalism).

The true dimension of the environmentalism of interest for my analysis is precisely the specificity of this trend of ideas: *respect for the environment and protection of the health of population as a form of social protection, by preserving the reasonable parameters of natural resources and control in the parameters set down*

¹⁷⁾ Article 7, Law 350/2001, <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>.

¹⁸⁾ http://www.euroavocatura.ro/legislatie/1296/LEGEA_50_1991,_Actualizata_2018,_privind_autorizarea_executarii_lucrarilor_de_constructii.

¹⁹⁾ <http://www.polcomtim.ro/concursuri/csspm2018/l24.pdf>.

²⁰⁾ Bleahu, Marcian. *Ecologia politică – Doctrină a secolului XXI*, in Mungiu-Pippidi, Alina. 1996. *Concepte universale, realități politice românești*, Iași, România: Polirom Publishing House.

*by the law over the environment pollution from industrial activities, pleading for an economic increase inside the parameters for the protection of the health of human communities in various parts of the planet*²¹⁾.

This interest does not refer only to an intention for the analysis of Environmentalism, but to its analysis in order to see the measure and the way its elements can be assimilated into the administrative science in the *Good Administration Law* and in the *Good Administration Standards*.

From the point of view of the administrative science, *Environmentalism* can be associated to the need for city administration, firstly, within the scope of the principle of population health, which could be affected by a permissive legal system of the polluting industries, business that limits the rights of citizens by permits issued for constructions that lead to the violation of the citizens' rights or to effects of an increase in the degree of pollution by exceeding the traffic parameters, for instance, given the fact that a mall is built in the centre of a city. A good administration, under these conditions, is closely connected to an environmental urbanism, in the sense that a good administration should consider the interests for the environmental protection and population health.

Thus, a *Good Administration*, means any decision of administrative bodies and institutions that must consider this "Environmental" approach, which we must understand as a "genuine revolution of the spirit in order to reconcile the needs of culture and civilization with the needs of nature"²²⁾.

In the Scope of Politics, V. Iordache proposes a "Reasonable Environmentalism", which starts from the idea of beauty and the idea of "the good of Nature", from which the Good of the Community derives. Therefore, environmentalism becomes "(...) a secular means of retrospectively to the beauty and the well-being. The primary values on the agenda of genuine environmentalism are the beauty of nature and its well-being"²³⁾.

ENVIRONMENTAL URBANISM – as it is defined in various founding documents of the European Union and of professional associations in terms of urbanism in Europe – e.g. The Order of European Architects– refers *not only to an environmental dimension of urbanism*, as it could deceivingly look at first sight. To have an urban development plan entails the creation and use of a system of political, economic, aesthetic relations, but, essentially, I believe that nothing in the Development Strategy or its related Plan for the development of a region, city, country member of the EU or for the Union as a whole cannot exist outside a *Good Administration*.

²¹⁾ See indicators for environmental quality in urban areas in the document Urban Environment, ANPM, http://www-old.anpm.ro/files2/Capitolul%208%20-%20Mediu%20urban_200711214748468.pdf

²²⁾ Bleahu, Marcian. *Ecologia politică – Doctrină a secolului XXI*, in Mungiu-Pippidi, Alina. 1996. *Concepte universale, realități politice românești*, Iași, România: Polirom Publishing House.

²³⁾ Iordache, Virgil. *Ecologismul rezonabil*, in *Sfera Politicii* 126-127, <http://www.sferapoliticii.ro/sfera/126-127/art12-iordache.html>.

The Good Administration has, in its turn, an implicit environmental dimension precisely through the fact that it includes an ethical component of the administrative department, which extends into an ethics of the behaviour of administrative institutions in relation to the economic agents to whom various documents are issued – documents which impose the compliance with the environmental parameters and legislation in each country, which cannot be, as environmental indicators, under the EU legislation.

Environmental urbanism does not mean only environmental protection – e.g. the architecture and constructions in the city, in compliance with the existing legislation. An administrative policy of environmental urbanism includes a component of a *Good administration* for any state member of the EU.

When we discuss about characteristics of urbanism, it becomes essential to consider the environmentalism in its various forms for a community or an area with its own administrative identity. From this point of view, if one must manage within the larger frameworks of ecology, then *Public environmental administration* becomes an approach of the problems of the community and administration of public resources by undertaking a higher degree of protection for the health of the environment and, implicitly, of the health of the population we manage.

The health of the environment and the population can be obtained by correlating the administrative decision and the administration of public resources with a *durable development* and the rational usage of community resources.

The Charter of European Urbanism adopted by the General Meeting of the European Council of Urbanists in Barcelona of April 12th, 2013, offers the clearest definition of Urbanism from the point of view of the approach from the science of the public administration that we intend. *The Charter of European Urbanism* is also a landmark in the attempt to define Environmental urbanism, taking into consideration that the approach of European urbanists offers this connection to the science of urbanism with ecology. For the European urbanists “Especially, urbanism contributes to the preservation of common resources: land, air and water, which are subjected to an increasing pressure of the development. (...) Urbanism is simulatenously located between the long-term action and urgent application of certain immediate actions”²⁴⁾.

As it approaches the issue of the relation between URBANISM and DURABLE DEVELOPMENT, the Charter of European Urbanism, the policies of *urbanism by durable development* entail:

- 1) The rational usage of resources, with an increased attention towards the non-renewable ones;
- 2) The rational administration of resources, the reduction in consumption and the promotion of good practices in the re-usage and recycling of resources;
- 3) Preserving the environmental quality in the cities;

²⁴⁾ The Charter of European Urbanism adopted at the General Meeting of the European Council of Urbanists in Barcelona of April 12th, 2013 A Vision for the cities and regions of Europe in the 21st century; Charter of European Urbanism, www.rur.ro/download/1485.

4) The primary increasing usage of sources of renewable energy;

5) A responsible and autonomous approach on waste treatment and recovery.

A *good administration*, as it is first defined as “law” in the CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION signed and adopted at Nice in 2000, it entails a *strictly internal relationship of the institutions* – whichever they may be (European, national-central, local, regional-county), in the sense that these national or European institutions must look towards the citizens that they administer guided by an institutional behaviour that ensures the citizens to the “right to a good administration” in the sense of a treatment based on impartiality, equity and, as it is laid down in the article, a “reasonable” time to answer to applications and petitions, requests of the citizens. (Art 41, paragraph 1). *Good administration* – as the *right* is defined in the European Charter, must oblige the clerk – institution that he/she represents – to listen to the person before taking a measure that could damage him/her in any manner and to also grant to any person the right to access his/her own file in the sense of respecting the professional/trade secret, not being able to take a decision that would not have a reasoning from the administration in the case of any citizen²⁵⁾.

Article 41 of the CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2012/C 326/02), entitled “Right to a good management” defined the concept by four key elements.

The first element of this newly-emerged right refers to the fact that “any person has the right to benefit, regarding his/her own problems, from an impartial, fair treatment and in a reasonable time from the institutions, bodies, offices and agencies of the Union”²⁶⁾.

Paragraph (2) of Article 41 specifies that the Right to a good administration entails other three components that actually detail what it means by the “fair” and “impartial” treatment specified in paragraph 1. The rights of the European citizens to be listened to prior to taking any individual measures that could damage them are aimed at here²⁷⁾, together with the right to have access²⁸⁾ to their own file²⁸⁾, given

²⁵⁾ Art. 41, paragraph 2, a), b), c) of the Charter of Fundamental Rights of the European Union, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12012P/TXT&from=RO>.

²⁶⁾ See Art. 41, paragraph 1 of the Charter of Fundamental Rights of the European Union, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12010P&from=EN>. The Charter has a mandatory legal force, as part of the Treaty in Lisbon (2007), pursuant to Art. 6 of the Union Treaty, amended in Lisbon: “Article 6 (1) The Union recognizes the rights, liberties, principles laid down in the Charter of Fundamental Right of the European Union of December 7th, 2000, as it was adopted on December 12th, 2007, in Strasbourg, which has the same legal value as the one of the treaties”. See http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0019.01/DOC_19.

²⁷⁾ Art. 41, paragraph 2 of the Charter of Fundamental Rights of the European Union”, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12010P&from=EN>.

²⁸⁾ Art. 41, paragraph 2(b) of the Charter of Fundamental Rights of the European Union”, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12010P&from=EN>.

the fact that their legitimate interests (for instance, confidentiality, trade secret, professional secret) are complied with. The same paragraph (2) of Art.41 of the CFUE sets down “the obligation of the administration to justify its decision”.

Paragraph (3) of Art. 41 of CDFUE introduces into the Right to a good administration a component for the protection of the European citizens in situations in which the victims of certain damages caused by “maladministration”, the Union being obliged to repair the “damages created by its institutions or agencies in the exercise of their functions, in compliance with the general common principles of the legislations of member states”²⁹⁾.

The last element of the Right to a good administration in Art. 41 of CDFUE refers to the right of European citizens to receive an answer in the language in which they addressed the European institutions and agencies, when they submitted a written request to them³⁰⁾.

This article 41 of the Charter was to be extended and completed with new data in the “European Code of Good Administrative Conduct” of 2005 about which the European Mediator states that it has a role in explaining to the citizens “(...) the practical meaning of this right and what they can concretely expect from the European administration. The actual right to action before a court of law, which constitutes an important aspect of this issue, is guaranteed by article 47 of this Charter”³¹⁾.

The right to a *Good administration* cannot exist where the principle of the law is not complied with – the key pillar of a *Good governing* – which sets down that any state must be governed by the law and not arbitrary decision of the government.

The relation between a *Good governing* and a *Good administration* can be established in the same manner in which the Human Rights Department of UN has established the relationship between a *Good governing* and *Human Rights*: it is hard to accept that outside a *Good governing* the Right to a Good administration in the Charter of Fundamental Rights of the EU can also be complied with, as a right of the EU case law with a legal value for the legislation of each Member State or the *Standards of a good administration* – from the first Standard (“Legality”) in the list of 9 and until the last one – Standard no. 9 – “Meeting legitimate expectations”.

Taking the analysis of Minola Coșpăneanu regarding the types of legislation connected to a Good administration³²⁾, we observe how the Romanian Constitutions must be understood, thus, as a fundamental space of the Romanian law, under

²⁹⁾ Art. 41, paragraph 3 of the Charter of Fundamental Rights of the European Union”, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12010P&from=EN>.

³⁰⁾ Art. 41, paragraph 4 of the Charter of Fundamental Rights of the European Union”, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12010P&from=EN>.

³¹⁾ European Code of Good Administrative Conduct, 2005, Luxembourg: The Office for Official Publications of the European Community, p.4.

³²⁾ Coșpăneanu, Minola. Research report, “*International standards and case law landmarks regarding a good administration – premises for the definition of the administration system of the compliance in public institutions*”, manuscript; Coșpăneanu, Minola. Research report no. 2, *Constitutional landmarks regarding a good administration*, manuscript.

which one can find under various forms all three concepts of our study – Good administration, Good governing and Environmental Urbanism (Art. 35), which makes a reference to both the obligations of the public administration and of the ones of state institutions, in general, and to the citizens who subject to the Constitution on the territory of the Romanian state: the right to a healthy and environmentally balanced environment.

The Romanian Constitutions comprises of a series of rights and liberties which implicitly define and formulate dimensions of the Right to a good administration, such is the case of art. 24 – Right to defence, Right to information of art. 31 Right to petition of art. 51, Right of the person injured by a public authority – art. 52.

As one can observe from the restatement below in the synthetic variant of the 9 Standards of good administration,³³⁾ none of them cannot be possible outside *a Good governing*, whose essence is, as we have previously seen, the State subject to the rule of law, with its fundamental principle – principle of the rule of law:

1. Legality and legitimacy (public institutions operated under the law and their decisions and documents do not exceed the legal grounds of their founding).

2. Leadership and responsibility (the management of the institution establishes the strategy and attributes resources, being directly liable for the administration and performance with which they are managed).

3. Impartiality (the staff is objectively selected and assessed and does not have a conflict of interest, having a fair conduct to the other citizens).

4. Transparency (access to one's own file, publication of activity reports, justification of any decision or action of the institution).

5. Public participation (the community participates in free and regular elections and has the right to hold accountable the elected persons under the conditions of access to debates and adoption of regulatory documents, of public policies, public decisions, establishing internal channels for the communication of the staff and participation in the implementation of anti-corruption measures).

³³⁾ The 9 Standards of a good administration are taken from the research carried out by Minola Coșpănar, in *“Constitutional landmarks regarding a good administration”*, who considers that *“(…) the Romanian constitutional and legal system currently reunite a series of regulations regarding the concepts of a good administration, administrative capacity or compliance, whose approach is however non-unitary”*, the *Right to a good administration*, being considered by the author to have an applicability in the Romanian legal space (Coșpănar, Minola. *Constitutional landmarks regarding a good administration*, Research report no. 2, manuscript, Introduction, p. 1); Also see the remark in Chapter 3. Protection of a good administration in the Romanian Constitutions, in Coșpănar, Minola. *Constitutional landmarks regarding a good administration*, Research report no. 2, manuscript, Introduction, p. 7. The 9 Standards of a good administration are defined by the author in detail – in the sense of attributing multiple sub-indicators to each of the Standards – for instance The Standard of Legality and Legitimacy has no less than 9 sub-indicators such as (a) Public institutions are founded and operate under the law (b) Public institutions have a legal capacity in line with the purpose for which they were founded (c) Resources necessary for the operation or attributed under the law (d) Organisational structure and categories of staff which carry out their activity are defined by the law, etc. the means of the number of these sub-indicators which define the Standards of a good administration being approximately 9-10 sub-indicators for each standard.

6. Compliance with human rights (protection of and compliance with human rights, of/with the right of one's own employees, care for a durable development and protection of the ones formulating in good faith complaints to the violations of the requirements of a good administration).

7. Equal treatment (understanding the differences between discrimination, protection of under-privileged persons and positive discrimination, the non-discriminatory selection of partners, implementation of the same solutions in similar situations).

8. Proportionality (measures adopted in order to execute the purpose to be appropriate, to ensure balance between private/personal and public interest, the right to be listened to before taking an individual measure that could affect a citizen, the staff undertaking responsibility).

9. Meeting legitimate expectations (public consultation and granting the objectives with the needs of the community, risk management and assessment of the community's satisfaction towards the services provided).

These Standards, as extensions and details of the *Right to a good administration* and of the *Code of a Good Administrative Conduct*, are impossible to comply with and promote in a state that does not operate under the rule of law, which entails:

- (a) transparency and democratic nature of institutions and their operation,
- (b) state responsibility to provide protection for human rights,
- (c) the civil society has access to information and exercises its critical duty towards the political class.

All these are elements of a *Good governing* that UN proposes³⁴⁾.

4. Conclusions: “The Right to a healthy environment” as a new “Standard of good administration”?

As it is clear from this analysis, a *Good administration* and the *Right to a good administration* are dependant on a *Good governing*, centred on the rule of law, but also on elements of environmental urbanism – especially on the *right to a healthy living environment*, that started to be dealt with in the European case law and in the specialized literature, but also in the Romanian legislation, as a fundamental law (Art. 37 of the Constitution, Law 24/2007, Law 350/2001).

The more and more assiduous presence of references to a healthy living environment and to the quality of the population life as part of the Environmental Urbanism in the legislation and literature regarding the administrative science, indicate that THE RIGHT TO A HEALTHY LIVING ENVIRONMENT can become part of the RIGHT TO A GOOD ADMINISTRATION.

³⁴⁾ See <https://www.ohchr.org/en/issues/development/goodgovernance/pages/goodgovernanceindex.aspx>.

A possible means for the association of the RIGHT TO A HEALTHY LIVING ENVIRONMENT as part of the Romanian doctrine of Environmental Urbanism with a *Good administration* and the *Right to a good administration* could be to constitute a 10th Standard of Good administration, in the extension of the new standards presented.

The simplest manner to complete the Standards of good administration would be the one offered by the literature on Environmental Law, as the fundamental right to a healthy environment by D. Marinescu in *Tratat de dreptul mediului (Treaty on Environmental Law)* (2003) is presented³⁵⁾.

The 10th Standard of good administration, laid down on the model of the 9 Standards, could look as such, by preserving only some of the elements in the *Right to a healthy environment* as a fundamental right, as it is set up by D. Marinescu. The 10th Standard of good administration could have the following sub-indicators:

1. The right to live in an unpolluted, non-degraded environment;
2. The right to a high level of health, not affected by environmental degradation;
3. The right to have access to appropriate water and food resources;
4. The right to a healthy working environment in terms of pollution;
5. The right to assistance in case of natural and man-caused catastrophes³⁶⁾.

Probably, the latter manner of a new *Standard of good administration* is the most efficient one in order to assimilate a dimension of the *Environmental Urbanism* in the framework of the *Right to a good administration*.

REFERENCES

1. Bleahu, Marcian, *Ecologia politică – Doctrină a secolului XXI*, in Mungiu-Pippidi, Alina. 1996. *Concepte universale, realități politice românești*, Iași, Romania: Polirom Publishing House.
2. Coșpănar, Minola. *Constitutional landmarks regarding a good administration*, Research report no. 2, manuscript.
3. Coșpănar, Minola, Research Report: *Standarde internaționale și reperi jurisprudențiale privind buna administrare – premise pentru definirea sistemului de management al conformității din instituțiile publice*, manuscript.
4. Coșpănar, Minola, Research Report: *Reperi constituționale privind buna administrare*, manuscript.
5. Diaconescu, Amelia. *Dreptul la un mediu sănătos este un drept fundamental*, in *Revista Universul Juridic*, no. 11, November 2017.

³⁵⁾ Marinescu, Daniela. 2012. *Dreptul mediului. Manual de studiu individual*, Bucharest, Romania: Ed. Pro-Unversitaria; <https://www.scribd.com/document/202193382/D-3-Dreptul-Mediului-Marinescu-Daniela-PDF>.

³⁶⁾ Apud Diaconescu, Amelia. *Right to a Healthy Environment as a Fundamental Right*, in *Universul Juridic Magazine*, no. 11, November 2017.

6. Duțu, Mircea. 2010. *Dreptul urbanismului*, 5th Edition, Bucharest, Romania: Universul Juridic Publishing House, 2010, p. 31.
7. Iordache, Virgil. *Ecologismul rezonabil*, in *Sfera Politicii* 126-127.
8. Marinescu, Daniela. 2012. *Dreptul mediului. Manual de studiu individual*, Bucharest, Romania: Ed. Pro-Universitaria Publishing House. <https://www.scribd.com/document/202193382/D-3-Dreptul-Mediului-Marinescu-Daniela-PDF>.
9. Minea, Elena Maria. 2016. *Urban Planning. Urbanism. Doctrine and Legal Regulations*, Bucharest, Romania: Ed. Pro Universitaria Publishing House.
10. Duțu, Mircea. 2010. *Dreptul urbanismului*, 4th Edition, Bucharest, Romania: Universul Juridic Publishing House, pp. 29-31.
11. Minea, Elena Maria. 2014. *Urbanism și Amenajarea Teritoriului*, Cluj Napoca, Romania.

On-line sources

1. Constituția României, <http://www.cdep.ro/pls/dic/site.page?id=339>
2. <https://www.ohchr.org/en/issues/development/goodgovernance/pages/goodgovernanceindex.aspx>
3. <https://lege5.ro/Gratuit/gmztknju/legea-nr-350-2001-privind-amenajarea-teritoriului-si-urbanismul>http://www.euroavocatura.ro/legislatie/1296/LEGEA_50_1991_Actualizata_2018_privind_authorized_executarii_lucrarilor_de_constructii
4. <http://www.polcomtim.ro/concursuri/csspm2018/124.pdf>
5. http://www-old.anpm.ro/files2/Capitolul%208%20-%20Mediu%20urban_200711214748468.pdf
6. <http://www.sferapoliticii.ro/sfera/126-127/art12-iordache.html>
7. http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0019.01/DOC_19
8. European Code of A Good Administrative Conduct, Luxembourg: The Office for Official Publications of the European Community, 2005, <https://www.ombudsman.europa.eu/ro/publication/ro/3510>
9. The Charter of European Urbanism adopted at the General Meeting of the European Council of Urbanists in Barcelona of April 12th, 2013. Visions for the cities and regions of Europe in the 21st century; *Charter of European Urbanism*, www.rur.ro/download/1485
10. Charter of Fundamental Rights of the European Union, <https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=CELEX:12012P/TXT&from=RO>

ABOUT THE AUTHOR

Sonia Stoica, Researcher at the National School of Political Studies and Public Administration, Bucharest, Romania.

Email: stoica.sonia@yahoo.com