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MIRDEC & GLOBECOS 2022

MIRDEC & GLOBECOS – 6th
International Academic Conference
Economics, Business and Contemporary Issues in Social Science
(Virtual/Online conference)

CONFERENCE PROCEEDINGS Skopje 2022, North Macedonia

Conference Proceedings
Full papers & Abstracts

Editors
Kemal Cebeci
Sandra Ribeiro
Pellegrino Manfra

Skopje, North Macedonia
17–19 May 2022

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VIRTUAL/ONLINE CONFERENCE
*17-19 May 2022
Skopje, North Macedonia*

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We are very pleased to introduce the Conference Proceedings (Full Papers & Abstracts) of the ***MIRDEC & GLOBECOS – 6th, Skopje 2022, International Academic Conference on Economics, Business and Contemporary Issues in Social Science, (Online/Virtual Conference), 17-19 May 2022, Skopje, North Macedonia.***

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CARMEN NORA LAZAR¹

THE IMIGRATION POLICY OF THE EUROPEAN UNION

Abstract

The present study intends to approach more directives of the Union concerning the immigration from the third States, that is the Directive 40/2001 of the Council on the mutual recognition of decisions on the expulsion of third country nationals, the Directive 86/03 of the Council on the right to family reunification, the Directive 109/03 of the Council concerning the status of third-country nationals who are long-term residents, as amended by the Directive 51/2011 of the Parliament and of the Council, the Directive 115/08 of the Parliament and the Council on common standards and procedures in Member States for returning illegally staying third-country nationals and the Directive 98/2011 of the Parliament and the Council on a single application procedure for a single permits for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, all adopted within the former title IV of the Treaty establishing the European Community which refers to the freedom of movement of the third-country nationals. These normative acts, which do not refer to the persons who are family members of Union citizens or workers posted by their Union employers in another Member State, had the purpose to unify the status of the third-country nationals and their families on the territories of the Member States, providing for equal treatment in all fields and, more important, the obligation of the Member States to grant them a long-term right to stay in the same conditions as those provided for for the Member States nationals when they move in another Member State. This long-term right permit to its holder to move in another Member State like the Member States nationals.

It has been said that the policy of the European Union toward the third-country nationals is shaped by four contradictory factors: the mercantilism, which sees the immigrants as a source of income but also of costs for the national security system; the national sovereignty conception, according to which the immigrants are a possible risk for the public order, the national security, the national labour market and the public services, finally for the European way of life; the humanitarianism, according to which the European Union should receive all those who are in need and should protect the fundamental rights; the solidarity, which supposes the sharing of the costs between the Member States.

Keywords: Directives, third-country nationals, freedom of movement, immigration policy, security, solidarity

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1. Introduction

The former title IV of the Treaty establishing the European Community, the actual space of freedom, security and justice, provided a (then) Community policy towards the third-country nationals which aimed at creating a uniform status of those in all the Member States, as a consequence of the extension to them of the freedom of movement and of the envisaged suppression of the internal border controls (Craig, de Burca, 2017: 1091-1093). It is necessary to specify that these provisions do not refer to the third-country nationals who are family members of Union citizens – because they either benefit from the Directive 38/2004 or fall under the national law - or workers posted by their Union employers in another Member State in order to provide services there - also because they benefit from the Directive 38/2004 (for this last hypothesis see in the same sense Foster, 2012: 349-350). Within this policy the

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Community, that is the Council, respectively the Council and the Parliament, have adopted more Directives, either horizontal or sectoral. As we don't have the pretention to deal with all, especially that they are very numerous, we have chosen some of them, of horizontal applicability: the Directive 40/2001 of the Council on the mutual recognition of decisions on the expulsion of third country nationals², the Directive 86/03 of the Council on the right to family reunification³, the Directive 109/03 of the Council concerning the status of third-country nationals who are long-term residents,⁴ as amended by the Directive 51/2011 of the Parliament and of the Council⁵, the Directive 115/08 of the Parliament and the Council on common standards and procedures in Member States for returning illegally staying third country nationals⁶ and the Directive 98/2011 of the Parliament and the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State⁷. The present study has the intention to approach these important normative acts, together with the scholar literature and the jurisprudence developed by the Court of Justice on their basis, in order to see if they achieved their purpose and are completely satisfactory not only with regard to the interest of the Union (more precisely of the Member States), but also to the respect of the human rights.

2. Analysis of the directives mentioned above

It has been said that the policy of the European Union toward the third-country nationals has as key-features the security and the exclusion (Steiner, Woods, 2009: 582-583) or that it was and is shaped by four contradictory factors (Chalmers, Monti, 2011: 493): the mercantilism, which sees the immigrants as a source of income but also of costs for the national security system; the national sovereignty conception, according to which the immigrants are a possible risk for the public order, the national security, the national labor market and the public services, finally for the European way of life; the humanitarianism, according to which the European Union should receive all those who are in need and should protect the fundamental rights; the solidarity, which supposes the sharing of the costs between the Member States.

Concerning the first factor, the authors mentioned above (Chalmers, Monti, 2011: 494) have observed more phases in the attitude of the Member States and, consequently, of the Community/Union towards the third-country nationals: the period of 1950-1960 years, within which the immigration policy was favourable to the immigrants (Association agreement with Turkey, 1963), because of the lack of European workforce; the period of 1960-2000 years, within which the immigration policy became more restrictive, because of the high unemployment level; since 2000, a period of reopening of the markets towards non-Community nationals, the immigration being seen as a possible solution to the decreasing of the natality and to the lack of the qualified workers, of the workforce in general. That's why within this last period the immigration has become selective, depending on the interests of the Union (in fact of the Member States).

Concerning the second factor, it must be reminded that the national security and the public order remain with the competences of the member States irrespective of the domain of the Union competence and even if the controls at the borders are abolished; these controls may be reintroduced in case of threats for the national security (Chalmers, Monti, 2011: 496-500). From the point of view of this factor, the migrants are seen as potential criminals and treated accordingly (Chalmers, Monti, 2011: 497-498); it is meaningful that the asylum and the immigration policy are from the beginning included in the same

² Published in the Official Journal of the European Union L 149 of 2 June 2001.

³ Published in the Official Journal of the European Union L 251 of 3 October 2003.

⁴ Published in the Official Journal of the European Union L 16 of 23 January 2004.

⁵ Published in the Official Journal of the European Union L 132 of 19 May 2011.

⁶ Published in the Official Journal of the European Union L 348 of 24 December 2008.

⁷ Published in the Official Journal of the European Union L 343 of 23 December 2011.

chapter as the police and judicial cooperation (Chalmers, Monti, 2011: *ibidem*). The suppression of the controls at the internal borders has been compensated (which is perfectly normal) by the reinforcement and the uniformisation of those at the external borders (Chalmers, Monti, 2011: 501-503).

The third factor takes into account that the Union is not and must not be only an economic organization, but also one which respects and protects the fundamental rights. It is meaningful in this respect that the Treaty of the European Union of 1992 speaks for the first time about this problem and the posterior treaties deepen it, at the present time the Union being founded on treaties which state that the fundamental rights are among its values and being endowed with a Charter of the Fundamental Rights. This last applies to all the persons who reside legally on the territory of the Union, which is likely to protect more the third-country nationals (Chalmers, Monti, 2011: 503). As a consequence of the respect of the fundamental rights, the principle of non-refoulement applies in the cases in which the forced return of the foreigners would expose them in the State of origin to a danger to their life (the death penalty), physical and psychical integrity (torture, cruel, inhuman or degrading treatments or punishments) or freedom because of their race, religion, ethnicity, political opinions or affiliation to a particular social group (Chalmers, Monti, 2011: 503-505). The right to a family life has imposed the right – with exceptions, as we will see – to the family reunification, which supposes that the foreigners may bring their family with them or be joined by it on the territory of the Member State of residence (Chalmers, Monti, 2011: 504). So, a liberalization of the immigration policy has taken place, which in turn has brought the possibility of the double nationality (the acquisition of the Union citizenship not hindering the keeping of the nationality of origin) and the equal treatment for all the foreigners who has resided legally and for more time on the territory of the Union (Chalmers, Monti, 2011: 505-506).

Concerning the fourth factor, it is necessary that the States who have financial difficulties in the implementation of the immigration policy be helped; in this respect it has been suggested the institution of common funds (Chalmers, Monti, 2011: 506-508). Also, it has been established by the treaties and the Schengen Agreement (including here the Schengen Convention and the Dublin Convention) the competence of a single State for the processing of the application for asylum and for the granting of the visa of entry or of stay.

It has been also shown that the immigration policy is one with different degrees and paces in its accomplishment, because of the differences in the will of the Member States to leave this matter in the hands of the Union (Godlewska-Szyrkowa, 2021: 100-101); this author speaks about a two-speed development.

The directives which will be presented in this study have behind them the idea that the Member States must be equally attractive for the foreigners (Steiner, Woord, 2009: 584) and, in conformity with the art. 79 of the Treaty on the Functioning of the European Union, ensure a fair treatment towards the third-country nationals, prevent and fight against the illegal migration and the human trafficking. At the same time, the directives – like any directive - establish only minimal standards in the matter; as a consequence, the directives are without prejudice to more favourable provisions of international agreements of the Community or of it and its Member States, of the European Convention on Establishment of 1955, of the European Social Charter of 1961 with amendments, of the European Convention on the legal status of migrant workers of 1977 and, excepting the directives related to the expulsion, of the Member States themselves. It must be precised, however, that in this last hypothesis the permits delivered by the States on the basis of their legislation are not EC/EU permits but national permits, which do not give right to move and reside in the other Member States⁸. All these directives provide for procedural guarantees in all the cases: the application for long-term residence and for the residence status, withdrawal of this status, refusal of renewal of the long-term residence and the

⁸ See the judgment of the Court of Justice "Tahir" 469/13 of 17 July 2014, on the site europa.eu.

residence permit, expulsion, entry ban. Each decision must be notified in accordance with the national law and must specify the legal procedures to which the person has access and the time-limit within which she must act. The person must have the possibility to go to a court and to obtain, apart from the annulment of a decision, its suspension. All this enforce the security of the position of the foreigners (Steiner, Woods, 2009: 605).

We shall not present the directives in their chronological order, but in a logical order, beginning thus with the Directive 109/2003 as amended by the Directive 51/2011.

This directive crystalizes and unifies a national legislation existing in more Member States (Chalmers, Monti, 2011: 511-512), having at its foundation not only the idea of the unification of the status of the foreigners for all the Member States, but also that of the protection of the economy, the traditional culture and the wellbeing of the Member States, which explains the restrictions to or even the non-recognition of some rights for the third-country nationals (Chalmers, Monti, 2011: 512). Moreover, the directive does not deal with the problem of the Union citizenship (and, implicitly, of the nationality of the host State), this last remaining with the competence of the Member States, which is in accordance with the treaties. Although this makes vulnerable, because dependent on the will of the Member States, the position of the third-country nationals (Steiner, Woods, 2009: 584), the directives could not do otherwise, in view of the treaties. Despite this, the directive constitutes both a practical measure, the migrants being necessary to the Europe because of the diminution of the persons of working age, and a political expression of the positive commitment of the Union towards them (Steiner, Woods, 2009: 586). The protection afforded to the third-country nationals who enjoy the long-term resident status has been compared to that afforded to the European citizens by the Directive 38/2004 (Horspool, Humphreys, 2012: 424-425), opinion on which we have doubts.

The directive not only creates a uniform status on the whole territory of the Union for the long-term residents in the Member States, but also obliges these last to grant long-term resident status to third-country nationals who have resided continuously and legally on their territories for 5 years at least, in conditions established by it⁹; if the members of the family want to obtain the long-term resident status, they must fulfil, like the holder himself, the condition of the 5 years of residence, which is logical¹⁰. So, an important national prerogative, that is the competence to permit or not the foreigners to remain on their territory in the conditions established by the States, is taken over by the Community (now the Union), the States being left only with the (limited) competence to issue or not the visa of entry¹¹ and the first residence permit¹². As it has been shown (Chalmers, Monti, 2011: 495; Steiner, Woods, 2009: 582-583), the problem of the immigration from the third countries is not one which regards only the Member States, but also one which is of interest for the Community/Union, because the migration of the workers affects the possibility for the nationals of the other Member States to find work, because of the freedom of movement and of the suppression of the controls at the internal borders of the Union; that's why the Council has issued in 1996 a resolution which stated the principle of the Community

⁹ Are excluded by the directive those who have been admitted for studies (including vocational training), those who have been admitted on the basis on a temporary protection or those who applied for this, those who have received only a permit formally limited (to a certain activity); for this last case the Court has stated that, if the formal limitation is not likely to prevent a durable installation on the territory, it may not prevent the obtention of a long-term residence permit (see the judgment "Singh" 502/10 of 18 October 2012, on the site europa.eu).

¹⁰ See the judgment of the Court of Justice "Tahir" cit.

¹¹ This competence is not, however, unlimited, it having to be exercised in uniform conditions (both procedural and substantive) imposed by the Schengen Agreements; for example, a State may not permit the entry without visa of a person national of a third State for whose nationals the Union law imposes a visa.

¹² Concerning the attribution of the first residence permit, the States resisted and continue to resist to any attempt to create uniform rules, wishing, for economic reasons, to control totally the number of foreigners who enter their territory, the purpose for which they come etc. (Steiner, Woods, 2009: 588; Godlewska-Szyrkowa, 2021: 101).

preference on the labour market, which means that the foreigners from the third countries will be accepted only in case of lack of the workforce from another Member States (Chalmers, Monti, *ibidem*). It is true that a resolution is not an act with binding force, but it is meaningful for the existence of a general Community interest in the problem of the immigration.

In the calculation of the abovementioned period of 5 years, the States may not take into account the absences which are of at least 6 consecutive months per year and exceed 10 months in total, excepting, if the States so decide, those for employment purposes, and the periods during which the person has the right to stay as having diplomatic status or being au pair worker, seasonal worker, worker posted by his employer in another Member State in order to provide services. Concerning the persons who applied for a form of international protection, it must be taken into account at least half of the period between the application and the permit or, if the period exceeds 18 months, the whole period. Concerning those who have resided for studies, only half of the period is taken into account.

Apart from the 5 years term, the other conditions are: stable, regular and sufficient resources, a sickness insurance and, not mandatory for the States, the integration in the respective Member State; although not provided for expressly, it goes without saying that each member of the family must fulfil these conditions. As concerning the resources, the sufficiency may be appreciated by the States by taking into account the level of the minimum wage or the minimum pension¹³. The sickness insurance must cover all the risks normally covered for the nationals of the respective State. The condition of integration is appreciated by reference to the national legislation; here the margin of discretion left to the States is very large. Some are of the opinion that these conditions show a limited cultural tolerance (Chalmers, Monti, 2011: 513), opinion with which we do not agree.

Despite the fulfilment of all the conditions, the long-term residence status must be refused in the case in which the State has revoked, ended or refused to renew the international protection received by the person concerned; also, the status may be refused for the reasons as the public policy or the public security, as for the Union citizens, provision criticized by some (Chalmers, Monti, 2011: 513-514); also, this supposes that the States take into account the severity and the type of offence committed by the person, the danger represented by the person, the duration of her residence till then and her links with the State of residence¹⁴. It is important to specify that the refusal of the State may not be founded on economic reasons, which is likely to create a high level of security for the foreigners (Steiner, Woods, 2009: 585-586).

The long-term residence status so obtained is permanent, even if the permit delivered by the State (an EC/EU permit) is valid for a limited period (but at least for 5 years), being renewable automatically. The permanent character may not be maintained in the following cases: the State has revoked, ended or refused to renew the international protection mentioned above; fraudulent acquisition of the status; expulsion for actual and serious threat to public policy or public security (economic considerations being excluded and the States being obliged to take into account the duration of residence in their territory, the age of the person concerned, the consequences for the person concerned and family members, the

¹³ The Court has stated, as for the nationals of the Member States who exercise their right to free movement, that it is not necessary that the resources belong to the holder, they may be assured by another person (see the judgment "X" 302/18 of 3 October 2019, on the site europa.eu).

¹⁴ So, the refusal of the status on the sole ground that the person has previous criminal convictions is contrary to the directive (see the judgment of the Court of Justice "UQ and SI" 503/19 and 592/19 of 3 September 2020, on the site europa.eu).

links with the country of residence or the absence of links with the country of origin¹⁵); absence¹⁶ from the territory of the State for 6 consecutive months or from the Union for 12 consecutive months (with exceptions allowed for by the States and with the possibility of re-acquisition of the status for those who has lost it for reason of absences); if the States so decide, in case of threat to public policy which does not constitute a reason for expulsion; the acquisition of this status in another Member State (with the possibility of re-acquisition for those who has received residence in the second State for pursuit of studies). Concerning the consequences of the withdrawal of the status of long-term residence, the States shall authorize – which supposes that the State is obliged to - the person to remain if she fulfils the conditions provided for in its legislation and she is not a threat for the public policy; in the contrary case, she may be expelled¹⁷. This provision is similar to that existent in the Directive 38/2004. Some criticized the fact that the directive does not expressly provide that the decision of expulsion must be founded on the individual conduct of the person (Chalmers, Monti, 2011: 514); we do not agree with this opinion, the necessity of the individual conduct resulting clearly from the provision related to the expulsion.

Once acquired the status of long-term residence, the person may move and reside for more than 3 months in another Member State, subject to the obtention of the residence permit, for purposes as work, studies or other, with some derogations. The conditions for the obtention of the residence in the second State are the same as those required for the obtention of the long-term resident status in the first State, except the third (integration), if this last was required by the first State and complied with; but even in this respect the person may be required to attend language courses. Concerning the derogations, for reasons of labour market policy the second State has the possibility to give preference to nationals, to Union citizens, to third-country nationals who reside legally on their territory, receive there unemployment benefits or fall under another Union legislation. Also, the State may limit the number of persons who may receive right of residence, if such limitation was already provided for for the third-country nationals in its legislation at the time the directive has been adopted (the so-called quotas system, highly criticized; see Steiner, Woods, 2009: 586). Finally, the first State may decide, according to their legislation, the conditions in which a long-term resident who moves to another State in order to work as a seasonal or a cross-border worker may reside there. Of course, this last provision would seem odd if we think that a State may not decide for the right to reside in another State, but it must be interpreted in the sense that the first State decides the consequences which the residence in the second State shall have on the long-term resident status of the person.

The right to reside may be refused by the other States, apart, of course, from the case in which the conditions required are not met, on grounds of public policy, public security – with the exclusion of economic considerations - and, which is new in comparison with the long-term resident status, public health; concerning this, the only diseases which justify the refusal are those defined by the World Health Organization and the infectious and contagious parasitic diseases, if they are the object of protective measures already in force in relation to the nationals of that State and if the diseases were contracted before the issue of the residence permit. The residence permit must, subject to the fulfilment of the conditions mentioned above, be renewed. So, the permit may be withdrawn or not renewed for the reasons mentioned above - excluding the public health - and, furthermore, the fraudulent obtention of

¹⁵ Similarly, the expulsion motivated only by the existence of a criminal conviction is contrary to the directive (see the judgments of the Court of Justice "Pastuzano" 636/16 of 7 December 2017, on the site europa.eu; "WT 448/19 of 11 June 2020, on the site europa.eu).

¹⁶ This notion is understood in the sense of a purely physical absence; so, a purely physical presence is likely to interrupt the period mentioned and to avoid the loss of the status of long-term residence (see the judgment of the Court of Justice "ZK" 432/20 of the 20 January 2022, on the site europa.eu).

¹⁷ In the case of a person having received a form of international protection in another Member State, this last is obliged to readmit the person on its territory; by way of derogation, however, the State who expels has the right to do it towards another State than that which afforded the international protection, if the person fulfils the conditions provided for in the relevant documents.

the permit. The withdrawal or the refusal to renew the residence permit by the second State, accompanied by the expulsion of the person, leads to the obligation of the first State to readmit her on its territory and does not prevent the person to move in a third Member State; in case of serious threat to public policy or public security the second State may take the decision of the removal of the person from the territory of the Union, with the possibility of a permanent ban of residence, without prejudice to the obligation of the first State to readmit the person (underlining made by us), by consulting the first State and giving it proper information regarding the implementation of the decision. In our opinion, having regard to the underlined part of the provision, it must be interpreted in the sense that the first State is not obliged to implement this decision, on the contrary, it is obliged to readmit the person on its territory. But in this case, which is its role? Why the obligation of consultation and information of the first State?

The person who is permanent long-term resident in the first State and, if it is the case, resident in another State enjoys equal treatment with the nationals of the respective States, subject, of course, to some exceptions and limitations (which have been criticized as discriminatory – see Chalmers, Monti, 2011: 515-516). The directive grants equal treatment only under the following aspects, the States having the right to grant it also under another aspects: access to employment and self-employed activity, excepting those which suppose the exercise of public authority or those reserved, in accordance with the national or Union law, to nationals, Union or European Economic Area citizens; conditions of employment and working conditions; education and vocational training (including study grants); recognition of professional diplomas, certificates and other qualifications; social security, social assistance and social protection; tax benefits; access to goods and services and the supply of goods and services made available to the public; freedom of association and affiliation and membership of an organisation representing workers or employers or of any professional organisation (including the benefits conferred by such organisations and without prejudice to the national provisions on public policy and public security); free access to the entire territory of the Member State concerned. Although not expressly referred to by the directive, the persons in question enjoy also the right to address petitions to the European Parliament and to complain to the European Ombudsman, rights guaranteed by the treaties of the Union to all those who are resident on its territory (Horspool, Humphreys, 2012: 424). The equal treatment may be restricted by the States or may be subject to special conditions, under some of these points, but we will not mention the details, excepting the fact that the social assistance and the social protection may be restricted to core benefits¹⁸.

Like the Union citizens, the third-country nationals who have acquired the status of long-term resident and move to another Member States are entitled to have in the second State their family, already constituted in the first State, with them, the family having the possibility to move with the holders or to join them later, like the European citizens (Horspool, Humphreys, 2012: 424-425). The family members are those mentioned in the Directive 86/2003: the spouse and the minor children of the holder of the status or of his spouse. Furthermore, other family members (also mentioned in the Directive 86/2003) may be authorised by the other States to accompany or join the holder on their territory. If the family

¹⁸ Although this term is not defined in the corpus of the directive, in the preamble it is established that by core benefits it is to be understood at least (emphasis added by us): the support income, the aid for the persons who are ill, pregnant, in need for a long term or who needs parental assistance. The Court has however stated that the housing assistance may be included in the notion of core benefits, if its role is to ensure a dignified existence to the persons having lower incomes or no income (see the judgments "Kamberaj" 571/10 of 24 Aprilie 2012; "KV" 94/20 of 10 June 2021, on the site europa.eu). Although the restriction by the directive is criticized by some (Steiner, Woods, 2009: 586), we must understand that the access to the social system (social assistance and social protection) is a delicate problem for the States, both for financial reasons and for reasons related to the national solidarity; that's why the European citizens themselves have no access or have a limited access, anyway based on the national legislation and not on the European law, to this system.

was not already constituted in the first State at the time of the moving of the holder in the second State, the Directive 86/2003, which we shall present later, applies.

The Directive 98/2011 has both a procedural purpose – the creation of a single permit, of residence and work, which we do not deal with – and a substantive one, which creates a set of common rights on the territory of the entire Union for the third-country nationals who reside and work¹⁹ legally in a Member State, in order to reduce the disparities between the States in the respect of the equal treatment of the third-country nationals and, so, to make the States equally attractive for them. In this respect we can say that this directive completes the Directive 109/2003. Of course, the Member States keep the right to afford, to refuse to renew or to withdraw the single permit issued under this directive.

The third-country nationals who reside and work legally in a Member State benefit from equal treatment with the nationals of the host State under the following aspects: working conditions, freedom of association and affiliation and membership of an organisation representing workers or employers (?)²⁰ or of any organisation whose members are engaged in a specific occupation (including the benefits conferred by such organisations), education and vocational training, recognition of diplomas, certificates and other professional qualifications, branches of social security, tax benefits, access to goods and services and the supply of goods and services made available to the public, advice services afforded by employment offices. In relation to the social security (more precisely death, invalidity and old age pensions), if the holder of the permit moves in a third-country, he or his survivors residing also in a third-country and having rights derived from him will receive the pensions for which he has paid contributions, in the same conditions and at the same rates as those applied for the nationals of the Member State in question when they move in a third-country. We can see that these rights are essentially the same as those afforded by the precedent analyzed directive (some with a slightly different formulation and some with or, on the contrary, without clarifications), excepting the free access to the entire territory of the Member State concerned, the social assistance, the social protection and the right of access to employment, which are absent from this directive. Concerning the last right, its absence is explainable by the fact that here it is just about persons who have been accepted by the States for work, so the question does not arise. In exchange, concerning the social assistance and the social security, it is at least unexplainable that just the persons who work do not benefit from the social assistance or the social protection! It is true that, if they are long-term residents, they fall under the Directive 109/2003, but if they have not yet this status, they are totally excluded from these benefits. As in the precedent directive, here too the States may restrict some of these rights for some categories of persons or may subject them to special conditions.

The Directive 86/2003 relates to the reunification of the family of the third-country nationals who are legally on the territory of the Union, in order to protect and respect the right to a family life of the immigrants (who are called “sponsors” by the Directive). Although it contains also a chapter for the family of those who have obtained the status of refugees, we shall not deal with, as we said above.

The list of family members is more restrictive than that for the Union citizens, namely: the spouse; the minor children of both (including those adopted); the minor children of the sponsor (including those adopted), if this last has the custody and the children are dependent on him/her; the minor children of the spouse (including those adopted), if this last has the custody and the children are dependent on him/her; the minor children of the sponsor or of the spouse whose custody is shared by the sponsor or by his/her spouse with the other parent, on the condition of the agreement of this last. By derogation,

¹⁹ Excepting the self-employed workers, the seafarers, the seasonal workers, the au pair workers and those who are allowed to work on a basis of a visa; also, may be excepted by the States those who have been authorized to work for at most 6 months or those who have been admitted for studies.

²⁰ We remind that this directive does not apply to self-employed persons, so the reference the organisations of employers is at least odd!

the spouse may be required to have a minimum age – which may not exceed 21 years – in order to reunite with the sponsor. Also by derogation, the children who are over 12 years and arrive independently of their family, the States may verify if they meet the condition of integration in the host State, provided for by its legislation. Also by derogation, a State may decide that the application for a minor children must be submitted before the age of 15, in the contrary case the State having, however, the obligation to admit the reunification on other grounds; we may wonder what could be the other grounds and what sense has this provision. The children must be minor according to the legislation of the host State and not be married at the time of the application, not at that of the decision on this²¹. Furthermore, the States may authorize²² the entry and residence of other members of the family, such as: parents of the sponsor or his/her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin; the adult unmarried children (including those adopted) of the sponsor and/or his/her spouse, where they are objectively (because of their state of health) unable to provide for their own needs; the unmarried partner of the sponsor, who is in a stable relationship duly attested or in a registered partnership, his/her minor unmarried children (including those adopted) and his/her adult unmarried children (including those adopted) on the condition mentioned above. The unmarried partner, once authorized to reside in the host State, may be treated like a spouse in this respect. If the sponsor has more than one spouse and one of them is already living with him, the entry and residence of the others shall not be authorized; in this case the States may limit the reunification of the children of the other spouses and of the sponsor (common children or only those of the spouses, we suppose by similitude with the cases above).

Some comments impose concerning the provisions on family members. Why the Community (now Union) legislator does not require the condition of dependency when it is about the common children of the holder and of his/her spouse? Then, this condition is not normal having regard to the custody and even without it, because the status of minor in itself supposes dependency on an adult, in principle the parent. It is normal for a minor and it is his right (guaranteed by the international conventions) to stay with his parents without any other condition (underlining made by us). The requisite of the age according the legislation of the host State is not conform to the principles of international law, which establish that the legal capacity and the civil status of a person are governed by the law of the State of citizenship, not by the State of residence, which is logical; in the contrary case, a person would have a changing status or capacity depending on the legislations of the States in which she can reside during her life. The condition of not being married is redundant, because a child who gets marry before his majority is not longer a minor, he becomes a major. Even if the provision concerning the children of the unmarried partner does not anymore specify the requirements mentioned above for the children of a married couple, it must be interpreted that those requirements apply also here; so, the common children do not need to be dependent on their parents, while the children of one of the partners must be in his/her custody and dependent on him/her. The derogations concerning the children over 12 years and the children over 15 years have also encountered much criticism from the part of the scholar literature (Chalmers, Monti, 2011: 516-518; Steiner, Woods, 2009: 587), because of its lack of humanity, and from the European Parliament, but the Court of Justice upheld this provision²³. In the case of a polygamous marriage the legislator does not anymore specify what happens if the sponsor has not already a spouse living with him; we must understand that the States shall authorize the entry and residence of a single spouse – probably at choice - of their children and of her children.

²¹ The problem arose in the cases in which the minor children became major during the proceedings, either it is about administrative proceedings or judicial proceedings, if the decision of refusal to grant family reunification is appealed against (see the judgments of the Court of Justice "A and S" 550/16 of 12 April 2018, on the site europa.eu; "B.M.M. e.a." 133/19, 136/19 and 137/19 of 16 July 2020, on the site europa.eu).

²² Which means that the State may also refuse (see the judgment of the Court of Justice 540/03 "TB 519/18 of 12 December 2019, on the site europa.eu).

²³ Judgment of the Court of Justice 540/03 "Parliament/Council" of 27 June 2006, on the site europa.eu.

A formal condition which must be fulfilled by the sponsor in order to benefit from the right to have his family with him is to have a permit of at least 1 year, the reasonable prospect to obtain the right of permanent residence (which, having regard to the Directive 109/2003, may be equated now with the long-term residence status) and to have resided lawfully for at most 2 years before the application of reunification. This last part of the provision has also been criticized (Chalmers, Monti, 2011: 517) and has made the object of the same action in annulment of the European Parliament²⁴. As substantive conditions, the States may require from the sponsors the fulfilment of the same conditions as in the precedent analyzed Directive, that is stable, regular and sufficient resources²⁵, a sickness insurance and the integration of the family member in the host State, conditions appreciated as mentioned above. Moreover, the States may require also a normal accommodation (as regarded for a comparable family in the same region), which meets the standards of health and safety. Giving all this, it is not compatible with the directive a legislation which provides for the obligation of the State to issue automatically a permit for the reunification of the family at the expiration of the time-limit prescribed for the taking of a decision, if the decision has not been taken within the time-limit²⁶. Despite the fulfilment of all the conditions, the States may refuse the entry and residence, may withdraw or refuse to renew the residence permit of the family members on grounds of public policy, public security or public health, in case of fraud (false informations, false documents, illegal means)²⁷, in the cases in which the sponsor and his family member(s) do not or no longer live in a real marital or family relationship, the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person, the marriage, partnership or adoption was contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State. Furthermore, the renewal of the permit may be refused or the permit may be withdrawn if the substantive conditions mentioned above are no longer satisfied or if the permit of the sponsor expires or it is withdrawn and the family members do not yet enjoy an independent residence permit (see below), with the mention that the State must take into account the contribution of the family members to the household income. As in the precedent directive, concerning the public policy or the public security the States must take into account the severity and the type of offence committed by the person and the danger represented by her; concerning the public health, this last may constitute a reason for refusing the reunification only if the disease occurs before the issue of the residence permit. When they reject an application, withdraw a family member's permit, refuse to renew such a permit or expel the sponsor and/or his family, the Member States must take into account the nature and solidity of the person's family relationships, the duration of his residence in the Member State, the existence of family, cultural and social ties with her country of origin.

Once admitted, the members of the family shall receive a permit of residence of at least 1 year of validity (but not exceeding the duration of the permit of the sponsor himself) and renewable. As the sponsor himself, they have access to employment (as employees or self-employed persons), to education and to training and vocational guidance. The right to employment is to be exercised in the conditions provided for by the legislation of the host State and this last may examine within a time-limit of at most 12 months

²⁴ Ibidem (the Court has stated that the two-years term permits to the sponsor to assure a good installation for his family and to better integrate in the host State).

²⁵ This last condition is fulfilled also in the case in which the person has recourse to the social system of the State for the covering of some exceptional costs for which her incomes are not enough (see the judgment of the Court of Justice "Chakroun" 578/08 of 5 March 2010, on the site europa.eu); also, the moment of the constitution of the family (anterior or posterior to the establishment of the sponsor in the host State) may not be taken into account when the States appreciate the resources (idem). On the other hand, it is possible for the States to make a prospective assessment of the resources for the period following the application, if this assessment is made on the evolution of the resources in the previous 6 months (see the judgment of the Court of Justice "Khachab" 558/14 of 21 April 2016, on the site europa.eu).

²⁶ See the judgment of the Court of Justice "X" 706/18 of 20 November 2019, on the site europa.eu.

²⁷ The fact that the members of the family did not know about the fraud is irrelevant (see the judgment of the Court of Justice "Y.Z. e.a." 557/17 of 14 March 2019, on the site europa.eu).

the situation of its labour market before giving its authorization to work; moreover, this right may be restricted for the parents and the adult unmarried children, if they have been admitted. These restrictions, although explained by the need to ensure that the family members have been integrated in the host State, are somehow absurd in the light of the fact that the family members, third-country nationals, of a Union citizen are not required to be integrated and are not subject to any restriction (Steiner, Woods, 2009: 587); these authors question the efficiency of this type of immigration policy for a better integration of the family members.

After at most 5 years of residence granted on grounds of family reunification, the spouse, the unmarried partner and the children who became major in the meantime have the right, in the conditions provided for by the national legislation, to receive an independent residence permit, the States having however the possibility to exclude the spouse or the unmarried partner who are in case of breakdown of the family relationship; also, the States may grant this type of residence permit to the adult children and to the parents admitted beside the principal relatives mentioned. In case of widowhood, divorce, separation or death of the children or of parents, an independent residence permit may be granted to persons who have entered by virtue of family reunification.

If the third-country nationals who have legal residence on the territory of the Union have the right to receive a long-term right of residence, those who enter and/or stay illegally shall be expelled. The reason of the adoption of the Directive 115/2008 is to provide for uniform procedures and standards for the expulsion of the third-country nationals illegally staying, the expulsion being mandatory for the States. The illegal stay is established not by reference to the national, but to the Community/Union law, more precisely to the Schengen Borders Code (Regulation 562/2006 of the Parliament and of the Council, amended by the Regulation 610/2013 of the Parliament and of the Council), which sets out the conditions of the entry of the third-country nationals. Some categories of third-country nationals, such as those whose entry was refused in accordance with Article 13 of the Schengen Borders Code, those who have crossed irregularly the external border of the Union²⁸ and have not subsequently obtained the authorisation to stay in the respective Member State, those who must be returned as a consequence of a criminal law sanction or of an extradition procedure, may be excluded by the Member States from the scope of this directive, not in the sense that they shall not be expelled, but in the sense that they shall not benefit from the standards provided for (Kapteyn e.a., 2008: 687). However, the States are obliged to apply to these categories also at least the provisions of the directive concerning the limitations on use of coercive measures, the postponement of removal, the emergency health care and the needs of vulnerable persons, the detention conditions, the principle of non-refoulement, which we shall see below. The implementation of the directive by the States must take into account the best interests of the children and the family life²⁹, the state of health of the person concerned³⁰ and the principle of non-refoulement.

²⁸ The internal border will not be considered as external in the case in which the respective State has reintroduced the controls at the internal borders for the exceptional reasons permitted by the Schengen Agreements (see the judgment of the Court of Justice "Arib e.a." 444/17 of 19 March 2019, on the site europa.eu).

²⁹ See the judgments of the Court of Justice "K.A. e.a." 82/16 of 8 May 2018, on the site europa.eu (where it is about: the children of a Union citizen, the father of a minor child Union citizen and the legal partner of a Union citizen); "M.A." 112/20 of 11 March 2021, on the site europa.eu (where it is about a father of a minor child Union citizen); in the first case cited, the fact that the persons concerned have received an entry ban (based on a first decision of return) before the second decision of return is irrelevant, if the familial reasons have appeared after this.

³⁰ See the judgment of the Court of Justice "LM" 402/19 of 30 September 2020, on the site europa.eu.

As we said above, if the stay is illegal, the States are obliged to expel as soon as possible the person concerned³¹ (Chalmers, Monti, 2011: 509-511; Steiner, Woods, 2009: 596-597), the purpose being to fight against the illegal immigration, which is, as we have seen, of the interest of the entire Union. There are however apparent or real exceptions from this rule: when the person holds a valid permit or authorization of stay issued by another Member State, in which case she shall be required to go in this last State and, in case of non-compliance or of threat to the public policy or public security, the State must issue the return decision³²; when the person is taken back by another Member State on the basis of a prior agreement or arrangement, in which case this last State shall issue the expulsion decision; when the State decides, for humanitarian reasons or other, to grant an autonomous permit of residence; when a procedure for the renewal of the residence permit is pending, until the ending of this procedure. The directive does not prevent the Member States to expel a person even in case of legal stay, on the basis of their legislation, on the condition that they respect the procedural guarantees provided for in the directive and other relevant Union acts.

If the person to be returned is an unaccompanied minor, the States are obliged to grant him assistance by appropriate bodies and to ensure that in the State of return the minor is taken by a member of his family or by a nominated guardian or there are adequate facilities to receive him³³.

A decision of return must allow for a time limit of voluntary departure of at least 7 days and at most 30 days, possibly on demand, time limit which may be extended by the States for specific circumstances such as the school of the children, the length of the stay, the family and social links of the person concerned. During this period the person may be imposed certain obligations, in order to prevent her to abscond, such as regular reporting to authorities, deposit of a financial guarantee, a specific place of residence, submission of documents. Also during this period, the States must observe certain rules, such as the preservation of the family unity, the provision of the emergency health care and of the essential treatment of illness³⁴, the access of the minors to the basic education system, the taking into account of the special needs of vulnerable persons.

By derogation, when there is a risk that the person absconds, the person is a threat for the public policy, the public security or the national security³⁵, the application she has lodged for a legal stay has been dismissed as fraudulent or manifestly unfounded, the States may refrain from allowing for the time limit mentioned or may allow for a shorter time limit. There was criticism on the provision related to the risk of absconding, because it may be interpreted in a too large manner (Chalmers, Monti, 2011: 510).

If no time limit for voluntary departure has been allowed for, if the time limit has expired and the obligation to leave has not been complied with or if, the time limit having been allowed for and having not expired, there is a threat to the public policy, public security or national security, the State in question

³¹ So, it is not admissible for the States to apply a more favourable legislation which provides, for example, for a fine for the illegal stay, as it is not admissible to apply the sanction of the deprivation of liberty (prison or home detention), the last being likely to delay the expulsion (see the judgments of the Court of Justice "Zaizoune" 38/14 of 28 April 2015, on the site europa.eu; "El Dridi" 61/11 of 28 April 2011, on the site europa.eu; "Achughbabian" 329/11 of 6 December 2011, on the site europa.eu; "Sagor" 430/11 of 6 December 2012, on the site europa.eu); in exchange, it is admissible to apply a fine beside the expulsion or the expulsion instead of the fine ("Sagor" 430/11 cit).

³² In case of non-compliance with this request, the State may make use of force (including detention) to send the person in the other State (see the judgment of the Court of Justice "M. e.a." 673/19 of 24 February 2021, on the site europa.eu).

³³ See the judgment of the Court of Justice "TQ" 441/19 of 14 January 2021, on the site europa.eu.

³⁴ see the judgment of the Court of Justice "Abdida" 542/13 of 18 December 2014, on the site europa.eu.

³⁵ The existence of a threat supposes that the States take account of more elements, the suspicion that the person has committed a punishable act or has been convicted for such an act being not enough (see the judgment of the Court of Justice "Z. and O." 554/13 of 11 June 2015, on the site europa.eu).

must take the necessary measures in order to remove the person from its territory³⁶, possibly adopting a separate act for this. In order to make effective the removal the States may use the force, but in a manner which is reasonable, proportionate and conform to the dignity and the physical integrity of the person. If the person to be removed is an unaccompanied minor, the States shall ensure that the person is returned to his family, to a nominated guardian or to adequate reception facilities in the State of return.

The removal shall be postponed in the case in which it would violate the principle of non-refoulement or if a suspension of the return decision has been granted, until the expiry of this suspension. The removal may be postponed for reasons such as the mental capacity or the state of health of the person concerned, the lack of means of transport or the lack of identification of the person. During the period of postponement the person may be imposed the obligations and the States must respect the rules mentioned above.

In the cases in which there is a risk of absconding of the person or this last avoids or hampers the preparation of her return and less coercive measures cannot be applied³⁷, the States may take the measure of the detention, by administrative or judicial way, only for the necessary period for the return, which must be executed with due diligence. The period of the detention must not exceed 6 months, with the possibility of its prolongation for the next 12 months if the removal is likely to last more because of objective causes; at the expiry of these time limits the person must be released³⁸. The administrative measure must be subject to a judicial review which should be as speedy as possible. Anyway, the measure must be reviewed at reasonable intervals of time (on application or ex officio) and, if is prolonged many times, subject to the supervision of a judicial authority. Apart from the case of the unlawfulness detention, the person concerned must be released too if the conditions mentioned above are not anymore fulfilled or if the prospect of the removal disappears for legal reasons. The possibility of the detention has been criticized for the reason that it criminalizes migrants who only has entered or remained illegally on the territory (Chalmers, Monti, 2011: 511), that some terms (such as "hampers") are not precisely defined, which may lead to abuses, or that it is contrary to the fundamental rights to the extent to which no judicial authorization is required (Steiner, Woord, 2009: 597).

The detention should take place in special centers³⁹ and, if the States cannot provide such centers and must resort to prison, the persons to be removed must be kept separated from the ordinary prisoners⁴⁰. The persons have the right to establish contact with members of their family, with legal representatives or competent consular authorities and must be provided with informations on their rights and obligations in detention. The States must take into account the needs of the vulnerable persons and to ensure the

³⁶ So, the removal of the person must follow obligatorily the decision of return (idem).

³⁷ In any case the detention may not be justified by the illegal entry itself (see the judgment of the Court of Justice "Affum" 47/15 of 7 June 2016, on the site europa.eu), as well as it may not be prolonged only for the reason that the person does not possess the identity documents (see the judgment of the Court of Justice "Mahdi" 146/14 of 5 June 2014, on the site europa.eu). On the other hand, it is interesting that in the jurisprudence has appeared cases in which the detention has been resort to for the reason that the person is a threat to the public policy, public order or public security, although this reason is not mentioned by the directive (see the judgment of the Court of Justice "WM" 18/19 of 2 July 2020, on the site europa.eu); the Court did not have the occasion to state on this point, because the preliminary question raised another point; however, giving that a threat to the public order should justify the detention of a person pending her removal, it results from this that the directive has failures.

³⁸ Regardless any reason which opposes to this, like the non-possession of valid documents, an aggressive behaviour, the lack of means of subsistence or of a dwelling etc. (see the judgment of the Court of Justice "Kadzoev" 357/09 of 30 November 2009, on the site europa.eu).

³⁹ Even if, in the case of a federal State, the federate component of this does not possess special centers, so it is obliged to resort to the special centers found on the territory of other federate components (see the judgment of the Court of Justice "Bero" 473/13 și C-514/13 of 17 July 2014, on the site europa.eu).

⁴⁰ This even if the person concerned has given her consent to be accomodated together with ordinary prisoners (see the judgment of the Court of Justice "Pham" 474/13 of 17 July 2014).

emergency health care and the essential treatment of illness. The national, international and non-governmental bodies and organizations have the right to visit the special centers of detention, possibly on authorization, in order to ascertain if the detention is in conformity with the provisions of the directive.

If it is about the detention of unaccompanied minors and families with minors, the State must take into account the best interests of the children. The detention must be as shortest as possible and decided as a last resort measure. The families has the right to be accomodated with the respect of their privacy and the unaccompanied minors in special institutions – if it is possible - , provided with personnel and facilities adequate to their needs. The minors must have access to education (depending of the lenght of their stay) and the possibility to engage in leisure activities.

In case of emergency, that is when the detention capacity of the State is overwhelmed by the unforeseen number of third-country nationals to be returned, the State in question may derogate from some of the rules mentioned above related to the detention: it may provide for longer periods for the judicial review of the measure of detention and take urgent measures in respect of the conditions of detention concerning the special facilities as a principle and the accomodation of the families with minors. If this second derogation is logical, we confess that we do not see the logic of the first: if there are too many foreigners to be kept in detention, then this should incitate the State either to let them free, or to hurry their legal proceedings, not to prolong the time-limits for the judicial review!

An entry ban, with effects for the entire Union, must accompany the return decisions in the cases in which no time limit for voluntary departure has been allowed for or the obligation to leave has not been complied with. In other cases (we may think that is about the persons who are a threat to the public policy, public security or national security) the States may issue such a ban. The length of this last must take into account the particular circumstances of each case and not exceed in principle 5 years (even if the national legislation provides for a request in this respect and the request has not been made⁴¹); the exceptions are the cases in which the person constitutes a serious threat to the public policy, public security or national security. The States may provide for a criminal penalty in the case of non-respect of the entry ban, so in the case of an illegal entry after the ban was issued, on condition that the ban be legally (conform to the directive) issued⁴². A ban shall not be issued for the victims of human trafficking who have been granted a specific residence permit and cooperate with the competent authorities, provided that they do not constitute a threat to the public policy, public security or national security; curiously, this provision says that it is without prejudice to the fact that the obligation to leave has not been complied with, instead of saying "despite the fact that the obligation to leave has not been complied with". An entry ban is not necessary to be issued, may be withdrawn or suspended for humanitarian reasons or others. The entry ban may not be maintained if the decision of return has been withdrawn (even if the decision of removal is still in force), even if in adopting it the State has used the derogation related to criminal sanctions or extradition procedures (see above)⁴³. The obligation or the possibility to impose a ban has been criticized on the ground that, on one hand, a ban does not impede the migration, on the contrary, it stimulates the illegal entries and the human trafficking or the migration by hazardous means (Chalmers, Monti, 2011: 510), or that, on another hand, it may lead to a violation of the fundamental rights, if it prevent the person to reunite with her family who reside legally on the territory of the Union (Steiner, Woods, 2009: 597)⁴⁴.

⁴¹ See the judgment of the Court of Justice "Filev and Osmani" 297/12 of 19 September 2013, on the site europa.eu.

⁴² See the judgment of the Court of Justice "Celaj" 290/14 of 1 October 2015, on the site europa.eu.

⁴³ See the judgment of the Court of Justice "BZ" 546/19 of 3 June 2021, on the site europa.eu.

⁴⁴ These authors cite the judgment of the ECHR in the case "Abdulaziz e.a/Great Britain" of 1985, on the site www.echr.coe.int.

If a Member State has the intention to issue a residence permit to a person who is subject to an entry ban issued by another Member State, the first has the obligation to consult the second and to take into account its interests.

Finally, the Directive 40/2001 provides for the mutual recognition of the expulsion decisions of the Member States, in order to ensure a better management of the migration flows on the whole territory of the Union. This was considered objectionable by some (Steiner, Woods, 2009: 596), with the argument that an expulsion must not take place by automatic conformity with the decision issued by another State or even with the Union law, the States having to respect the fundamental rights, for which they risk to be held accountable before the European Court of Human Rights⁴⁵. But not every expulsion is the object of this directive, but only those founded on the serious and present threat to the public order or to the public security which a third-country nationals constitutes for the State in question, on one hand, and those founded on an illegal entry or stay in the State in question, on the other hand. The notion of threat includes also the conviction of the person for a penal offence punishable by deprivation of liberty for at least 1 year and the existence of serious reasons to believe that the person has committed or the existence of solid evidence that she has the intention to commit such offences. We think that, concerning the word punishable for the first hypothesis, it is in fact about the punishment, the penalty applied to the person; so, not the penalty provided for by the law *in abstracto* but the concrete penalty which the person has to suffer, because the provision refers to a conviction, not to the prospect of a conviction, as in the next two hypothesis.

So, an expulsion decision taken by a State (called the issuing State), if it has not been rescinded or suspended, must be enforced by the other Member States (called the enforcing States), of course if the person finds herself on their territories. If the person holds a residence permit issued by an enforcing State or by another Member State, the enforcing State must consult the issuing State and, if it is the case, the State which has issued the permit. We may wonder which is the purpose of this consultation, because the logic should have imposed the inverse, that is the consultation by the issuing State of the enforcing State and, possibly, of the State which has issued the permit. This the more so as the second part of the provision says that the permit will be withdrawn if the legislation of the State which has issued it permits it. So, before take an expulsion decision, a State should consult the State author of the permit, since this last is going to be withdrawn. We may wonder also why the withdrawal of the permit should be conditioned by the authorization of the national legislation, since it is the directive which prescribes this (the national legislation having to be conform to) and this is the purpose of the directive!

The issuing State and the enforcing State must cooperate and exchange informations, the first providing the second with all the necessary documents certifying the continue enforceability of the expulsion decision. The enforcing State must examine the situation of the person concerned, ensuring that the relevant international or national rules (of the enforcing State, of course) applicable are not in conflict with the expulsion decision; it is not anymore said what happens in case of conflict. Should the enforcing State not apply the expulsion decision? Concerning the conformity with the international rules, it is to be presumed that the issuing State has taken this into consideration, because the mutual recognition principle is based on this, otherwise the directive is useless. Concerning the conformity with the national rules of the enforcing State, if this is a prerequisite for enforcing an expulsion decision, here again the directive is useless. After the implementation of the decision, the enforcing State informs the issuing State about this.

⁴⁵ These authors mention the judgment of the ECHR "Turkey/Great Britain" 43844/98 of 7 March 2000, on the site www.echr.coe.int.

In principle the expulsion is effected at the expense of the person concerned. If this is not possible, the enforcing State will support the necessary expenses and will be reimbursed for this by the issuing State. Although not expressly said in the directive, this results from the provision according to which the States will compensate each other for the financial imbalances which may result from application of this Directive where expulsion cannot be effected at the expense of the national(s) of the third country concerned.

3. Conclusion

The suppression of the control at the internal borders and, so, the extension of the freedom of movement between the Member States to the third-country nationals has brought as a inevitable consequence the creation of an immigration policy at the Community/Union level. The immigration has become not only a problem of national interest, but also one of Union interest, which has necessitated the adoption of secondary legislation in this matter. Through this legislation Union must create a balance between the management of the migratory flows and the fight against the illegal migration and the human trafficking, on one hand, the respect of the human rights and the necessity to solve the problem of the ageing of the work force, on the other hand. In other words, the Union, in fact the Member States, needs migrants but not anybody and not anyway. And the States remain exclusively competent to decide the number of migrants, especially the economic migrants, who wish to enter their territory.

Are satisfactory the directives presented above? They are and they are not, depending on the angle from which one looks at them. From one angle, it is not sure that these directives has succeeded to fight against the illegal migration, as some authors have pointed at; on the contrary, it is likely that they have encouraged more the illegal migration. From another angle, the derogations and exceptions for the substantive rights of the migrants are too numerous; in exchange, the procedural rights respect the standards of the human rights. And the uniform status aimed at is not so uniform, since these directives – like any directive - do not establish but minimal standards in the matter.

Anyway, the Court of Justice watches on the respect of the human rights of the migrants through the interpretation of the directives concerned, within the preliminary ruling procedure, since the interpretation must be made in the light of the Charter of the Fundamental Rights, of the European Convention of Human Rights and of the human rights as general principles of law; also, the States, when they apply the directives, must respect the human rights within their margin of discretion, as the directives themselves, like the Charter, prescribe it. It is interesting to note that so far no provision in these directives (except that whose the annulment has been requested) has been the object of a preliminary ruling for the assessment of its validity, although, as we have seen, there is much criticism about them. So, we cannot know what would be the position of the Court of Justice on the possible invalidity of some provision of the directives approached, not only for the non-conformity with the provisions on the human rights, but also for the non-conformity with any other provision of the Union treaties.

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YULIYA PULOVA-GANEVA¹

CARE FOR THE ELDERLY PEOPLE FROM SMALL SETTLEMENTS IN BULGARIA: A CRITICAL VIEW OF USERS AND PROFESSIONALS

Abstract

The demographic processes in Bulgaria and their national specifics related to the increasing share of the elderly population, higher overall mortality and lower life expectancy, feminization of old age in the older age groups and especially among rural residents etc., pose significant challenges to the provision of affordable, quality and adequate to the needs of the elderly people care. Their organization, scope, proposed forms of support should be as close as possible to the dynamics and complexity of the needs of the elderly people, to ensure a better quality of life, to ensure equality in the access to care, regardless of the financial status and the place of residence.

The objective of the present study is to identify the main problems and challenges facing the care (social and health) for the elderly people from small settlements. The study was conducted in the period June-September 2020 in the district of Veliko Tarnovo. It covered two groups - elderly people over 65+ from small settlements and staff providing care for them (health care specialists, social workers, personal assistants and domestic helpers). The results of the study outline well-known but deepening problems of the social and health care for the elderly people in small settlements - inequality of access, lack of choice in providing social support, increasing unmet needs for care, deteriorating access to primary and specialized medical care in outpatient settings, to hospital treatment and dental care, increasing expectations and negative assessments of the received health care and the work of the health care system.

Keywords: Quality of life, health and social care, elderly people

JEL Codes: I14, I18, Z18

1. Introduction

The demographic processes in Bulgaria and their national specifics related to the increasing share of the elderly population, especially in small towns and villages, higher overall mortality and lower life expectancy, feminization of old age in the older age groups and especially among rural residents etc., pose significant social, health and economic challenges to our society. Providing affordable, quality and adequate care is a significant prerequisite for achieving a better quality of life for the elderly people, active and dignified ageing. Their organization, scope, proposed forms and models of support should be as close as possible to the dynamics and complexity of the needs of the elderly; to ensure the provision of care which preserves autonomy and independence for as long as possible during this final stage of their life cycle; to ensure equality of access, regardless of the financial status and the place of residence.

2. National Projections of Care for the Elderly People

Population ageing is a common European demographic problem for the EU member states, incl. Bulgaria. The demographic development of the country in recent decades has been associated with a permanent decrease in population and negative changes in its age structure. The share of the population over the age of 65 progressively increased from 16.8% in 2001 to 18.5% in 2011 and to 23.9% in 2021 (National Statistical Institute, 2022). This trend will continue in the coming years, despite the national specifics of demographic processes associated with high overall mortality and a slow rate of increase in

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life expectancy, according to different scenarios for the demographic development of the population, people aged 65 and over in the Republic of Bulgaria by 2040 will account for 26-28% (National Statistical Institute, 2018).

Like the other European countries, the ageing process is more pronounced among women than among men, and as of December 31, 2019 in Bulgaria the relative share of women over the age of 65 is 25.1%, and of men - 17.9%. This difference in "sex" is due to the higher mortality among men and resp. of their lower life expectancy (Stoyanova et al., 2020, 16).

The imbalance in the territorial distribution of the population is also deepening in the country, as this is accompanied by significant age and gender differences among the people living in the cities and villages. Despite the strong urbanization (73.7% urban population as of 31.12.2019), just over 1/3 (32.6%) of people aged 65 and over live in villages. The rural population is significantly older than the urban population, with women predominating in the older age groups - as of 31.12.2019 of the people living in the villages aged 65 and over, almost 59% are women, and with increasing age this share is growing. (Stoyanova et al., 2020, 20, 49) The specified structure of the rural population, combined with low incomes from received pensions, determines the feminization of poverty among the rural residents and the difficulties in accessing services and care (Ministry of Labor and Social Policy, 2012).

The described demographic situation and the forecasts for demographic development related to the increase in the number and share of the elderly people pose serious challenges to the social security, social and health systems, and in the long run the pressure on them will increase. The polymorbidity characteristic of the elderly people determines and will determine the increased demand for complex and long-term care, development of an adequate network of social services and integrated intersectoral care, incl. closer integration between health and social ones.

In a number of strategic documents in the field of social protection and health care, the elderly people are identified as the main target group, but the implemented policies and measures have so far failed to achieve a significant improvement in the quality of life and care for these people.

The existing challenges in the provision of social services for the elderly people are related to their uneven territorial distribution and orientation to the real needs of the local community; predominance of the institutional form of care over the forms of community support; underdeveloped network of community services and integrated health and social services; workforce problems (such as shortage, staff turnover, insufficient motivation and qualification of the staff providing care), etc. (Ministry of Labor and Social Policy, 2018).

In order to overcome the negative consequences of the ageing population, part of the measures set in the Updated strategy for demographic development of the Republic of Bulgaria (2012-2030) are related to increasing the requirements for quality and expanding the scope of provided health and social services for elderly people. Ensuring an independent and good quality life for these people requires the social system to adapt the care to their real needs and priority development of social services at home in a community environment, the introduction of quality standards for services; development of the so-called "silver economy" for the provision of services; improving the quality of life of those living in specialized institutions; providing opportunities for recreation, sports, tourism and participation in cultural life; priority development of the training of social workers specializing in the care of the elderly people; encouraging the participation of non-governmental organizations in the care and provision of social services; development of public-private partnership; construction of territorial complexes for elderly people with opportunities for providing complex services (Ministry of Labor and Social Policy, 2012). According to the Active Ageing Index, used as a tool to determine the unrealized potential of the elderly people for active life in good health, there are significant deficits in terms of the possibility of

independent living, low physical activity, poor health status, unmet needs for health and dental care, significant disparities in the access and the quality of the provided care, etc. The reasons for the deteriorating quality of life of the elderly people in the country can be found in the faster rate of increase and rise in the severity of chronic morbidity and deterioration of their health status compared to the other member states and the ability of the health care system to provide affordable, timely and high quality health services for these people (Ministry of Labor and Social Policy, 2019).

At the same time, in the current functioning of the health care system the following deficits are found: insufficient provision of financial resources and inefficient use of the provided financial resources, dissatisfaction of the population with the quality of the provided services and a large and unregulated amount of additional payments; insufficient volume and financing of preventive activities; difficult access to quality health services in remote and inaccessible towns and villages, insufficient and inefficient inter-sectoral cooperation, unpreparedness of the system for providing medical care and care for the ageing population, unfavourable age structure of medical specialists, shortage of health care specialists, etc. (Ministry of Health, 2020).

In response to the outlined problems and challenges in the Draft National health strategy of the Republic of Bulgaria 2021-2030, the measures set for the elderly people over 65 are aimed at promoting a healthy lifestyle and healthy ageing; providing conditions for equal access to medical and dental services, to quality and safe medicinal products at affordable prices; adapting the social and the health services to the specific needs of the elderly people for long-term care, so that they could remain in their usual environment for as long as possible, while providing integrated health and social support for coping with everyday life; building the necessary professional capacity of the staff engaged in the provision of care, development of services in the field of long-term hospital treatment, creation of conditions for diagnostics and complex treatment and care for people with dementia, etc. (Ministry of Health, 2020).

The aim of the present study is to identify the main problems and challenges facing the care (social and health) for the elderly people from small settlements.

3. Material and Methods

The study was conducted in the period June-September 2020 in VelikoTarnovo Province. It covered two groups - elderly people over 65+ from small towns and villages and caring staff for them (health care specialists, social workers, personal assistants and domestic helpers). It was conducted in 3 municipalities (Suhindol, PolskiTrambesh and Pavlikeni), which constitute 26.6% of the territory and 15% of the population of the district and have the highest relative share of people aged 65 and over, respectively 31%, 30% and 28.9% (with an average share for the district in 2019 - 23.9%) (National Statistical Institute, 2020; National Statistical Institute, 2021).

In the random selection of the respondents from the first group, the respondents visited 6 practices for primary care: three - in municipal centers and three - in villages of the surveyed municipalities and individuals, users of social services for home and day care (in the town of P. Trambesh and in the town of Pavlikeni).

A direct individual anonymous questionnaire was used in the study conducted among the elderly people. Respondents filled in the questionnaire themselves or with the help of the research team. It included questions with standardized, mostly close-ended questions. In the survey of the opinion of the specialists caring for the elderly, a direct individual or an online questionnaire survey was used.

4. Results

4.1. Socio-demographic Characteristics of the Surveyed Persons

The elderly people who participated in the study were 74.8 years old. The majority (83%) were women. Just over half (54%) were married and lived with their families; the widowed persons were 39% and a significant proportion of them lived alone. Nearly 90% had a monthly income of up to BGN 400.

The professionals caring for the elderly were 48.1 years old and 18% were of retirement age. The majority of the respondents (91%) were women. 64% had completed higher education and acquired a bachelor's or professional bachelor's degree ("specialist"). The majority of the health care professionals had between 15-20 years of work experience in the health care system, and those working in the social sphere - up to 5 years.

4.2. Opinion of the Surveyed Elderly People on Social Support and Social Services

All the elderly people surveyed indicated that they had difficulty coping with various daily activities, but accepted that this reduced capacity is a natural process that accompanies ageing. The most common problems were related to household maintenance; limitations of different nature (moving inside and outside the home, self-care, personal hygiene, etc.), which accompany periods of deterioration of their health. A significant problem for the people living in the villages was the reduced ability or inability to take care of their own farm, in which the rural residents traditionally produce vegetables, fruit and/or raise animals. A significant proportion (79%) of the elderly in the study often felt dependent; they sought help, mainly from members of their families, and those living alone - from people living next door, from an administrative representative of the local government and from distant relatives.

The majority of the respondents receive or have received various forms of social support - mainly social assistance and/or social service. Their preferences were related to financial support, targeted assistance for heating, purchase of medicines, food, etc., opportunities for social communication, health care. For the surveyed elderly people, health was one of the main factors for good working capacity and good quality of life and the health aspect was predominant in their expectations for the provided social support.

Nearly half of the urban residents would use or use a social service provided in a community setting. According to them, the services offered in their locality were insufficient and partially satisfied their needs. The material difficulties and uncovered deficits in the health care provided from the health care system increase the expectations about the type and thenature of the activities they could receive in them, and most often these desires are related to consultations with medical professionals, rehabilitation activities, medical manipulations. The respondents who use or have used social services were for the most part satisfied and expressed a positive opinion about the quality of the services provided; all the respondents strongly appreciated the attitude, attention and understanding of the staff providing care in the services.

The people living in the villages were not familiar with the nomenclature of the various social services and in terms of content they considered them as support or assistance. They would use social services for day care if they had transport provided and the service was free; they associate the offered services with opportunities for social contacts, communication, entertainment and health care.

The elderly respondents would choose institutional care as a form of support only if they had no other alternative. Traditionally, they preferred to continue living in a normal, home environment, regardless of the existing or emerging deficits and limitations in the physical and functional abilities. Where

possible, all respondents would benefit from support and care in the home environment to cope with daily activities (such as walking away from home, care for their appearance and personal hygiene), help with housekeeping (shopping, cooking, cleaning the home), assistance in case of health or household problems, etc.

Similar preferences for expanding the support received at home have been found in other surveys among elderly people in VelikoTarnovo District, with differences found in the opinions of the elderly people over 65 living in large cities in terms of better access and higher satisfaction with the type and the quality of the provided health and social care (Yorgova, 2016; Pulova-Ganeva, 2018; Markova-Dimitrova, 2019, 155-156).

The presented results indicate that the surveyed elderly people from small towns and villages face difficulties in obtaining adequate support for their individual needs, there are inequalities in accessibility and choice. Regardless of the limitations (regulatory, administrative, financial, etc.) that the entire process of providing social services (from planning to delivery) faces, they expect a variety of quality social services from the system.

The Strategy for Development of Social Services in VelikoTarnovo District (2016-2020) reports a shortage of social services offered for the elderly people (in 8 of the 10 municipalities in the district), lack of social services of residential type; the need for social institutions to provide specialized medical, social and palliative care to elderly people and people with severe disabilities; problems with staffing and financial security; insufficient interest in providing social services by external providers, especially in the small towns and villages, etc.

On the territory of the surveyed municipalities there are mainly social services for elderly people in the community (Home Social Patronage and the Units for Services in Domestic Environment opened under the scheme "Help at Home" to the OP "Human Resources Development", Public Canteen, Personal Assistant and Domestic Helper, 1 Center for Social Rehabilitation and Integration); 1 specialized institution (retirement home) with a capacity for 35 people; pensioner's clubs and clubs for people with disabilities. The Home Social Patronage service has the greatest number of users, and the Personal Assistant service is the most sought after, as it allows the relatively independent existence of the elderly people in the usual family environment (Strategy for Development of Social Services in VelikoTarnovo District 2016-2020).

The prepared plans for integrated development of 2 of the municipalities in which the study was conducted (Pavlikeni municipality and Suhindol municipality) for the period 2021-2027 there was an increase in social costs (an increase of the assisted persons with disabilities and the persons receiving targeted assistance for heating, functioning of social services in a community environment (social care, home care for the elderly and the people with disabilities, personal assistant, domestic helper) above the established capacity, which creates a risk for the quality of the care and shows the necessity of increasing the capacity. The plans envisage the opening of new social services for the elderly for day and residential care (Plan for Integrated Development of Pavlikeni Municipality (2021-2027) 2021; Plan for Integrated Development of Suhindol Municipality (2021-2027) 2020).

4.3. Opinion of the Surveyed Elderly People on Health Care

A significant proportion of the respondents gave a positive but low assessment of their health: 64% described it as "satisfactory", 25% as "bad" and 11% as "good". All the respondents declared the presence of chronic diseases, and like the general population of this age group, diseases of the cardiovascular system, oncological diseases, diseases of the musculoskeletal system, the endocrine system and others

predominate. 1/3 of the respondents indicated loss of working capacity or 71-90% degree of disability, all of whom were urban residents.

The results of the study show that in the last 12 months the respondents have most often sought medical help from a nurse/paramedic - 71%, from a GP - 64%, from the Center for Emergency Medical Aid (CEMA) - 46%, from a specialist - 39%, from a dentist - 18% (the sum exceeds 100%, as the respondents gave more than 1 answer). No respondents have sought health care from a rehabilitator or a physiotherapist. All the elderly people living in villages have not sought dental care in the last 1 year (some declare that they have not done so in the last 5 years).

The most common reasons for seeking help were: exacerbation of an existing disease/diseases, need for a manipulation (such as administration of an injection, putting a dressing, measurement of blood pressure, measurement of blood sugar, etc.), provision of help with pain and/or trauma, an emerging health issue.

There were differences in the opinion of the surveyed elderly people living in small towns and villages in terms of satisfaction, preferences for the received health care and the factors that make their provision difficult.

Only 21% of the respondents believed that they always received the necessary health care, all of them urban residents, while the majority of the rural residents gave a negative response. The elderly people living in cities had preferences for more frequent examinations by specialists, more tests, free medicines, while those living in rural areas expressed a desire for facilitation of the access to health care, as well as its timely provision, in volume and form appropriate to their needs, facilitation and assistance in the purchase of medicines. For the surveyed rural residents, the provision of the necessary medicines was a significant problem, as in one of the municipalities where the study was conducted there is no registered pharmacy, in the other two - the pharmacies are concentrated in the municipal centers and there is only 1 rural pharmacy, and in three municipalities there is no 24-hour pharmacy (Regional Health Inspectorate V. Tarnovo, 2020b).

Among the factors complicating the provision of health care, nearly half of the elderly people in the cities indicated going to the doctor's office and the waiting time, the lack of a hospital for medical care in the settlement (31%), the necessary financial resources (15%) and only 1 person indicated as the leading factor limiting access to health care - the fear of getting sick from Covid-19. For the rural residents the most significant factors complicating the provision of health care were: the daily presence of a medical specialist (medical doctor/health care specialist) in the village, going to a doctor's office and/or CEMA, the necessary financial resources, incl. means of transport.

All the respondents have rarely or very rarely sought health care to be provided at home, as they did not have the financial means to pay for it or there was no medical specialist in the settlement to provide such care (e.g. as of 2020 in Suhindol municipality there are three health care specialists - 10 times less than the national average; Plan for Integrated Development of Suhindol Municipality (2021-2027) 2020).

The elderly people living in villages often had to turn to unqualified people (e.g. family members, friends, etc.) for manipulations (e.g. administration of injections). Of all the respondents, only 1 person in the last 5 years has benefited from rehabilitation assistance by a clinical pathway for physical therapy and rehabilitation. All the surveyed elderly people from the villages did not have or did not have enough information about the normative changes in the medical expertise of the working capacity and the work of the Territorial Expert Medical Commissions (TEMC).

The presented results indicate that the respondents from cities most often seek health services from their GPs, as the primary medical care is the most widespread, the most accessible and there is a sufficient number of practices of general practitioners (GPs) in the settlements. The respondents from the villages seek health care more often from the divisions of CEMA close to their settlement, from health care specialists and from their GPs. The reason for this is that the general practitioners visit the settlements according to a set schedule during the week and the access to health care (including for non-emergency conditions) is carried out through the CEMA.

The elderly people rarely seek and receive health care to be provided at home. They do not seek and very rarely receive rehabilitation assistance, regardless of the actual needs for such assistance. The severity of these unmet needs is further enhanced by the limited opportunities for long-term treatment and rehabilitation in a specialized hospital - in the district there are 3 specialized hospitals for rehabilitation (1 public and 2 private), receiving patients from all over Bulgaria, with a total capacity for 2019 - 292 beds (Regional Health Inspectorate V. Tarnovo, 2020a).

A significant proportion of the surveyed elderly people have unsatisfied expectations from the received health care and the work of the health care system. A significant problem for the urban residents is the accessibility of the received health care. These negative assessments directly correspond to the staffing and the financial security of the health care system.

In the district of VelikoTarnovo there is a shortage of medical doctors in the medical institutions for primary medical care (PMC), according to the needs of the population defined in the National health card. With the need of 162 GPs according to the health card (for 2018) there are 103 individual and 13 group practices with 38 GPs registered in the district. In 2019, there was a shortage in all the municipalities, with the greatest number of vacancies in the villages. The majority of PMC practices are individual and the establishment of group practices would improve the coverage and quality of medical care. The situation in the studied municipalities is similar - in the municipality of Suhindol (includes 1 town and 5 villages) there is 1 registered individual practice for primary medical care (PMC), in the municipality of Polski Trambesh (includes 1 town and 14 villages) there are 9 registered practices for PMC, and 4 are in the municipal center, and in the municipality of Pavlikeni (includes 2 cities and 18 villages) 67% of the registered 21 individual practices for PMC are located in the two towns of the municipality (Ministry of Health, 2018; Regional Health Inspectorate V. Tarnovo, 2020a; Regional Health Inspectorate V. Tarnovo, 2020c).

There is a slight shortage of doctors of dental medicine in the number determined by the health card, and the unevenness of coverage is even more pronounced (63% are concentrated in the two largest towns in the province) (Ministry of Health, 2018; Regional Health Inspectorate V. Tarnovo, 2020a).

In the district of VelikoTarnovo (as of 31.12.2019) the number of doctors is lower than the national average - 32.2 medical doctors and 8.9 doctors of dental medicine per 10 000 population (at an average of 42.6 and 9.6 per 10 000 population respectively). The shortage of health care specialists is also clearly expressed - the insurance is 55.2 and is lower than the national average (66.9 per 10,000 population) (Yordanova et al., 2021, 151). Sustainability in providing the health care system with human resources is found only in the large municipalities of the district.

4.4. Opinion of the Surveyed Healthcare Professionals on the Main Problems and Challenges Facing the Care for the Elderly People

The surveyed health care specialists believed that the provided health care for the elderly was of acceptable quality against the background of the current state of the health care system, its organizational structure, financial resources and staffing. At the same time, however, they recognized that for the

people in this group more care, access to primary, specialized medical care and laboratory tests, timely and adequate treatment should be provided, incl. long-term treatment. They believed that there was inequality in the access to health care for people living in small and remote settlements, and this was especially true for the elderly people who live alone and those who are poor.

Given the significant work experience of the health care professionals, their skepticism regarding the opportunities of the health care system for a significant improvement in the quality of care for these people is understandable. The existing problems and deficits, according to them, are long-term and correspond to the growing shortage of staff, their ageing, loss of motivation due to the low wages and the social prestige of the profession, systematic underfunding of both preventive activities and long-term health care, the delayed health care sought by the elderly people, which deepens and aggravates the chronic pathology and often determines the unfavourable course of the disease/diseases.

The problem of palliative care and the care for the elderly people with severe chronic diseases living alone who need continuous or periodic care is also unresolved. In the studied municipalities there is no institution providing hospice care, and in the district of Veliko Tarnovo there is 1 hospice with a capacity of 25 places (Regional Health Inspectorate V. Tarnovo, 2020c). As of December 31, 2019, the hospitals in the province have 56 beds for long-term treatment (excluding psychiatric beds), there are no beds for palliative care (Yordanova et al., 2021, 139), and the ones set in the National health card for 2018 are respectively: 147 beds (for long-term treatment) and 30 beds (for palliative care) (Ministry of Health, 2018). The inability of the elderly people to pay fees in private hospices requires long-term care by family members, incl. those of working age, and in the case of people living alone medical establishments for hospital care frequently provide similar care and incur financial losses.

The respondents focused on the need to expand the network of social services for the elderly people, to offer health and social services in smaller municipalities, not only in the district center or in large cities, to provide more mobile health care at home; expanding the state's commitment to attract and retain specialists in small settlements with financial and/or other incentives.

According to all the surveyed social workers and professionals providing home care, the social services offered in the surveyed municipalities cannot cover the constantly growing needs of the elderly people and there is inequality in the access to social services for the people in this group who live in villages and very small towns. The continuous increase in the number and share of the elderly people, incl. those living alone, creates significant organizational difficulties in providing adequate social support of good quality; requires the expansion of the network of services provided in the community and at home; the provision of qualified and motivated staff to work with elderly people from small settlements and remote places.

According to the respondents - social workers, the elderly people living in the villages rarely receive social support which takes into account their real needs and preferences, there is a lack of flexibility in the support due to difficulties of administrative-organizational and financial nature; they do not always receive timely and adequate health care due to difficulties in accessing it; the higher average age of the rural population leads to a continuous increase in the number of people in need of long-term care, and the problem is particularly acute for people who live alone. At the same time, the elderly people who live in rural areas are more conservative and cannot always assess and acknowledge the need for support or to timely seek it.

The identified unmet needs for social and health care could be solved by providing integrated mobile services aimed at the real needs of the elderly people. They require improved interaction between the health and the social system; sustainability of supply (currently such services are provided to elderly

people under the OP "Human Resources Development"), incl. financial sustainability; adequate provision with staff; expansion of the range of suppliers with regulated quality and control standards.

5. Conclusions

Improving the quality of life and care for the elderly has been identified as a priority in the adopted national and regional strategies concerning social protection and health care for these people. However, the successful implementation of the set policies and measures faces significant difficulties due to the deepening political and economic instability in the country, the lack of clear political will to solve the problems in the long run and effective management of the limited resources. In addition, the Covid-19 pandemic on the one hand has increased the existing deficits and inequalities in the care of the most vulnerable groups in society, but on the other hand - directed the public opinion to the numerous problems and challenges and the necessity for a change and reforms, especially in the health system.

Bulgaria is a country with a high share of elderly population over 65, that will continue to grow in the coming years. The study outlines some well-known, but deepening problems in the social and health care for the elderly people in small settlements - inequality of access, lack of choice in providing social support, increasing unmet needs for care, deteriorating access to primary and specialized medical care in outpatient settings, to hospital treatment and dental care, increasing expectations and negative assessments of the received health care and the work of the health care system.

It has brought to the fore the necessity for real support of the central and local government to the policies pursued and the measures implemented, related to adequate resource provision with strict control and accountability, better targeting of care to the real needs of the elderly people, expanding the range of the users covered, especially among those living alone and living in rural areas, the application of flexible and integrated forms of social and health care, which not only ensure better efficiency of care, but also ensure their timeliness, adequacy and quality, stimulation of social innovation in rural areas and formation of new social relationships and cooperation, incl. those aimed at overcoming inertia and involving the local community in solving the existing problems and improving the quality of life of the elderly people.

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THE IMPACT OF FORMAL EDUCATION LEVEL ON ECONOMIC LITERACY: A CASE STUDY OF TURKEY

Abstract

In general, economic literacy can be defined as the ability to understand the economic problems that occur in an economy, understand and follow the economic conditions and changes in the state's economic policies, and collect and interpret the necessary economic data. This study focuses on investigating if there is any relationship between economic literacy and education level. This paper focuses on investigating if there is any relationship between economic literacy and education level. To demonstrate the correlation, a survey was administered to 502 Turkish respondents. This paper presents the results of a study that investigated the effects of formal education level on economic literacy in Turkey. One-way ANOVA test was used for data analyses. The results of the study show that education level has the greatest impact on respondents' economic literacy. In other words, the level of education directly affects economic literacy.

Keywords: Economic literacy, education level, economics

JEL Codes: A20, A29, G53

1. Introduction

For people to carry out their economic activities and meet their own needs, they need to have information about the economic environment itself and the developments in this economic environment. In other words, individuals need to have a certain level of economic literacy to make rational decisions during their economic activities.

Economic literacy is expressed as fundamental economic knowledge that improves people's ability to act as producers, consumers, savers, investors and conscious citizens. Economic literacy is also that individuals have knowledge about the most frequently used economic issues in daily life, such as money, inflation, interest rate, and credit, the ability to use this information in daily life, and to be aware of the consequences of emerging economic events (Oanea and Dornean 2012; 114). From this point of view, economic literacy can be defined as the skills to understand, analyze, make decisions, reason economically, solve problems and interpret basic economic concepts and principles (Winick et al., 2006; Staubs, 2007). As it is known, education level is one of the important factors affecting economic literacy. As the education level increases, mathematical and quantitative skills also increase and in the end, the economic literacy level of the individual naturally increases. (Schuhman et al., 2005). In this respect, it would not be wrong to say that there is a positive relationship between people's education level and economic competence. This result has been demonstrated and approved in many studies (Japelli, 2010; Walstad and Soper, 1988; Lusardi and Mitchell, 2005).

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2. Methodology

2.1. Participants

Participants were randomly selected from individual taxpayers in Turkey. Out of a total of 600 questionnaire forms distributed to taxpayers, 514 usable responses were obtained. The satisfied return rate was 85.66 percent. During the analysis, 12 questionnaire forms were omitted as invalid. Refer to Table 1 for details. A majority of the respondents (31.50 percent) had a high school diploma followed by 25.70 percent with a less than high degree. The sample comprised 71.50 percent of males and 28.50 percent females. The sample was separated into three age groups: (1) 18 to 29 (24.70 percent); (2) 30 to 49 (58.40 percent); (3) 50 and above (12.70 percent).

Table 1

Respondents	Sample Size (502)	Percentage (%)
Gender		
Male	359	71.5
Female	143	28.5
Missing	0	00.0
Education Level		
Less than high school	129	25.7
High school	158	31.5
Vocational School	76	15.1
Graduate	108	21.5
Post graduate	24	4.8
Missing	7	1.4
Age		
18-29	124	24.7
30-49	293	58.4
50 and above	64	12.7
Missing	21	4.2

2.2. Instrument

The economic literacy scale used in this paper was developed by Gerek and Kurt (2011). The scale consists of 29 items and a single dimension. The 29 items in question were measured as "Strongly Disagree (1)", "Disagree (2)", "Undecided (3)", "Agree (4)" and "Strongly Agree (5)". In other words, scoring between 1-5 was made for each item.

Table 2		
Statements	Mean	Std. Dev.
I can understand the difference between profits and costs.	4.56	0.819
I can make rational choices by evaluating financial resources.	4.36	0.763
I can compare the benefits and costs of my economic choices.	4.19	0.871
I can evaluate services from an economic point of view.	4.06	0.964
I can perceive the economic factors that affect the behavior of individuals.	3.94	1.073
I can understand how supply-demand imbalances are reflected in prices.	3.86	1.117
I can understand how the interaction between the producer and the consumer is reflected in the prices.	4.14	0.972
I can interpret the effect of the decrease or excess of the goods on the prices.	4.25	0.944
I can define the economic roles of government, private sector and non-governmental organizations.	3.34	1.315
I can understand what a change in inflation rates means.	3.84	1.158
I can understand the effect of interest rates on the market.	3.91	1.123
I can evaluate the benefits and costs of economic policies.	3.84	1.075
I can understand the economic roles of small, medium and large enterprises (SMEs).	3.30	1.452
I can interpret the reflections of foreign economic developments on the country's economy.	3.31	1.366
I can understand the impact of the financial resources on the economy.	3.34	1.351
I prefer products according to my needs.	4.80	0.541
I can interpret the reasons for the change in foreign exchange and gold prices.	3.58	1.184
When using my credit card, I spend according to my ability to pay.	4.34	1.059
I can understand how the process of reaching the consumers of the goods is reflected in the prices.	4.11	1.047
I can understand the effects of developments in the stock market on the economy.	3.32	1.271
I consider the benefit-cost relationship when choosing the product I will consume.	4.47	0.829
I can interpret the contribution of advertising expenditures to the economy.	3.84	1.153
I can understand the relationship between income distribution and the economy.	3.66	1.238
I can understand the impact of international economic resources on the market.	3.43	1.301
I consider my income when making installments.	4.42	0.925
When using a bank loan, I can provide the income-expenditure balance.	4.27	1.022
I can discuss the impact of IMF policies on the economy.	2.66	1.522
I can interpret the effects of changes in foreign exchange prices on exports and imports.	3.27	1.468
I can interpret the effects of economic crises on unemployment.	3.64	1.476

Reliability value of the scale used by Gerek and Kurt (2011) has been found as 0.93. The same scale has also been used by Yayar and Karaca (2017) and its reliability value has been found as 0.958. Reliabilities of 29 items of economic literacy (see Table 2) used in the research have been measured through Cronbach Alpha and general reliability of economic literacy scale has been calculated as $\alpha=0.957$. Since this value is higher than 0.60 as specified in literature, it can be considered as appropriate (Carmens and Zeller, 1979).

3. Overall Result

Table 3 shows the descriptive statistics and reliability estimates. There were 29 questions ask to respondents.

Table 3 Results by Education Level					
	Less than high school	High school	Vocational school	Graduate	Post graduate
Mean	3.532	3.863	3.918	4.101	4.342
Std Dev.	0.7777	0.6618	0.7540	0.7844	0.5816
N	129	158	76	108	24

According to the Table 3, the scores of the economic literacy of the participants according to their formal education levels. As can be seen in the same table, as the education level of the participants' increases, their economic literacy scores also increase.

Table 4 Education Level and Economic Literacy ANOVA Analysis					
	Σ Squares	Df	Mean Square	Fisher F-value	P value
Between Groups	26.015	4	6.504	12.148	0.000
Within Groups	262.348	490	0.535		
Total	288.363	494			
Significant Differences in Mean Scores					P value
Less than high school v. High school					0.001
Less than high school v. Vocational school					0.005
Less than high school v. Graduate					0.000
Post graduate v. Less than high school					0.000
Post graduate v. High school					0.007
Post graduate v. Vocational school					0.043

Table 4 illustrates results in which participants' economic literacy success levels are compared according to their formal educational level. As results of these study, there is a statistical important difference between the average achievement of economic literacy of the level of formal education level ($p < 0.05$). These results of the Post Hoc TUKEY test show that individuals with post-graduate education levels have higher levels of economic literacy than other levels of education. It is understood that the economic literacy levels of individuals with primary education level are lower than those with associate degree education level. The results obtained according to the level of education lead to an increase in the level of education to an increase in the level of economic literacy.

Considering the data obtained as a result of the survey, the score of those with less than a high school education is 3.53; the score of those who graduated from high school was 3.86; the score of vocational school graduates was 3.91; It was concluded that the score of those who graduated from the university at the undergraduate level was 4.10 and the economic literacy score of those who had graduate education was 4.32.

4. Concluding Comments

In societies with high economic literacy, it is highly likely that people will make more rational choices. Having a high level of economic literacy can be an opportunity for the country to develop socially and economically. The basic question is: Is there a relationship between economic literacy level and education level? If there is a relationship, is the direction of this relationship directly or inversely proportional? In order to determine whether there is a relationship between education level and economic literacy, 502 people in Turkey were surveyed.

Approximately 72% of the respondents were male and 28% were female. 27.7% of these people are at primary and secondary school level; 31.5% at high school level; 21% of them have a university degree-level education. In the applied questionnaire, 29 questions were asked to measure the level of economic literacy. The demographic characteristics of the people and their answers to the questions were carefully evaluated.

Survey results show that there is a positive relationship between education level and economic literacy. In other words, as the level of education increases, the level of economic literacy also increases. In this case, we can make a sentence like this: As the education level rises, people can make more rational economic decisions, understand economic policies better, and follow the economic and social environment more effectively. This study also confirmed previous studies in this field.

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JOAQUIM RAMOS SILVA¹

THE TURNING POINT IN THE INTERNATIONAL ECONOMY: IMPLICATIONS OF THE LAST DEVELOPMENTS

Abstract

Since the Great Financial Crisis of 2008-09 and its aftermath, one of the major trends of the world economy was surely the slowdown in the globalization process. At a world level this was clear through, among other indicators, the decrease of the number of new international agreements of economic integration and investment, the loss of strength in elasticity when measured by the relation trade-income, after a steady rise on the 1980s and 1990s, and the stagnation of the exports/GDP ratio and in the international lending activity in most of the second decade of the 21st century. Further, by the late 2010s, political and social environment in many countries and regions across the world became far less favorable to global interdependence (Brexit, protectionism of the Trump Administration in the USA, the spread of political polarization, reinforcement of authoritarian regimes and less respect for the rule of law, particularly in emergent economies and BRICS, waves of populism and nationalism of several origins in developed as well as in developing countries, etcetera).

With the entry of the third decade of the 21st century, the outbreak of the pandemic of Covid-19 in the beginning of 2020, and the Russian's invasion of Ukraine in February, 2022, definitely marked a turning point in the globalization path. As far as the pandemic is concerned, key aspects of the globalization such as the unhampered development of the global value chains became largely questioned. Indeed, to face the pandemic, many governments throughout the world realized they were dependent on a few providers, not necessarily reliable, in strategic domains such as health equipment. The adjustment of these chains to overcome such drawbacks will have far-reaching effects (we need only to think for example of international maritime transport). The Russian invasion set even more challenging issues. The globalization process had been developed, certainly allowing great political differences of diverse nature among participant countries, but it was tacitly supposed that some minimum common ground existed where, despite intense economic competition as its determinant driver, the need for military defense, and other security concerns in general, could not be seriously considered. This was particularly obvious in the case of effective European Union external policy. The Russian invasion clearly showed that this was wishful thinking, and core values such as human rights and international peaceful cooperation can be at risk in a large scale within the globalization context as it took place before. In this new setting it must be reminded how in the very beginning of the classical political economy approach, Adam Smith had clearly stated that "defense is much more important than opulence". This shows well how this kind of commitments, even at a cost, cannot be under-estimated. Also, other teachings on related subjects such as the possible effects of unbalanced ties between national power and the structure of foreign economic relations, eventually causing dependence other beyond economic, should be better analyzed and discussed (Hirschman, 1945). Anyway, the introduction of defense and other non-economic criteria may significantly influence the global economic process and this change must not be neglected. The turn will affect the future course of the world economy, particularly in fundamental and strategic sectors such as health, energy, food, finance, innovation systems, technological and communication industries, defense and security including the nuclear dimension. Moreover, the plain participation of the firms, particularly multinational corporations, in the new course is of critical importance for its viability, which, among other objectives, would add to fight corruption and to facilitate the mitigation of climate change. Although, at some point in time there will be an equilibrium in these new conditions, it is not easy to draw the future contours of the world economic process (consensus and convergence in non-economic areas will always be difficult to achieve), even though we

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are entering into a completely different stage in comparison with the world order that prevailed since the early 1990s. In these circumstances, more than the search for immediate solutions, it is highly necessary to know “how and why things are as they are” as advised long ago by Ibn Khaldun, effectively, raising and analyzing such issues, up to recently neglected, insofar scientific researchers have an important role to play in the new global context.

Keywords: International economy, financial crisis, Covid 19

JEL Codes: E00, F00, G10

TATJANA BOSKOV¹

CIRCULAR ECONOMY AND RESOURCE EFFICIENCY: GLOBAL ECONOMY DRIVER FOR EMPLOYMENT AND GROWTH

Abstract

World trends show that circular economy is an excellent way to create jobs and thus increase economic growth and use the low skills especially in rural areas. This paper argues that employment in circular economic activities creates opportunities for economic growth and a visible increase in the level of employment. Therefore growth in circular economy can potentially deliver economic benefits such as employment creation and lower structural unemployment by offering a good geographical spread of job opportunities. Through expanding circular economy activity there's a reasonable potential to reduce regional and occupational mismatch meaning development. Also with CE there is a strong chance that net jobs can be created with sustained reductions in unemployment in a small and open economy as the case of Macedonian economy.

Taking into account what economic activities encompass the circular economy, it simply represents a necessity for every society and its well-being.

Keywords: Circular economy, employment, rural area, development, resource efficiency, North Macedonia

JEL Codes: O00, O10, J69, O44

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FREDERIC MARIMON¹ AND MARTA MAS MACHUCA²

THE SHARING ECONOMY IS NOT ANYMORE A BUSINESS BETWEEN TWO: IT'S AMONG MANY!

Abstract

In last decade emerged a number of digital platforms, which has transformed the economy in multiple perspectives. Conducting transactions through digital platforms has enabled new transactions patterns, that in its turn had led to new behavioural mode from customers' perspective, and also from the supply side.

Digital platform had enabled the matching of supply and demand. However, these platforms are taking a new role in the transaction that goes further to assisting in the sheer interchange. These platforms foster the pattern of Collaborative Economy and of Sharing Economy. Both economic models are quite close and overlaps in some issues. Whereas the Collaborative consumption is an economic model based on sharing, swapping, trading, or renting products and services, enabling access over ownership, the Sharing economy is an economic model based on sharing underutilized assets or skills for monetary or non-monetary benefits. Therefore, in Sharing Economy, the idle asset is shares for a temporal slot, but the peer keeps the ownership.

However, additional effects emerge from this. The platform owns an amount data from all transactions which allows the optimize the match between supply and demand in the proposal of match. Platforms are providing extra services to both customers and peers analysing the typology of transactions of its customers (or in analogous way from their peers).

Next step is that the platform might provide services useful for customers and peers that are not provided directly for the platform, but can embed other external services. This model leads to the interlink with other platforms and it ends up with a system in which each platform (that by definition is a community of customers, peers and planform) is in the middle of a system of other platforms. A network of platforms is emerging. All in all, the traditional model in which two actors changed an asset or service for a price, is evolving to a complex universe composed by some cells (composed for the three actors: platform, customers and peers), resulting in a complex organic system in which many relationships are established at the same time. Nowadays and in next future, economy is envisaged as a system where a business is not any more between only two; it's among many.

Keywords: Sharing economy, collaborative economy digital platforms

JEL Codes: M10, M20, M30

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ANNE BURKE¹

THE CHALLENGE OF BOARD REPORTING AND BOARD PAPERS IN THE NOT FOR PROFIT SECTOR

Abstract

More and more board members of nonprofits are being questioned about the effectiveness of the oversight, control and direction they are providing to their organisations (Nevin, 2018). One aspect of this is board reporting. The board reporting cycle is a continuum which aims to periodically inform various stakeholders, including the board members, of the wellbeing of the organisation (Cormican & Phillips, 2011). Board members (often unpaid) frequently face a large pile of papers to read (commonly referred to as the board pack) for each board meeting.

The topic of enhanced board paper preparation and presentation is one that many boards identify as key to more effective Board/Management interaction. To make good decisions, exercise strong control and provide effective leadership, board members need to receive the right information, in the right format and in a timely manner to be effective in fulfilling their duties (Corrbuí, 2022). Unfortunately survey results from the Chartered Governance Institute UK & Ireland and Board Intelligence suggests that in many organisations board papers are more of a hindrance than a help to board members in forming judgements and decisions.

Contemporary Governance Standards (notably the Code of Practice for the Governance of State Bodies, the UK Corporate Governance Code/Guidance on Board Effectiveness, the Charities Governance Code and the codification of Directors' duties (Companies Act 2014, s.228), leave little doubt about board members' responsibilities in this regard. Consequently, board members are finding themselves having to devote more time than ever to ensure that they have the information they need to discharge their fiduciary responsibilities.

The purpose of this developmental paper is to engage in some conversation around the challenges of board reporting and board papers in Irish nonprofits.

Keywords: Board processes, governance, non profits, board reporting, board papers, action learning

JEL Codes: O10, G20, G30

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THEMISTOKLIS ALEXANDROS ARKOUMANIS¹

A STUDY OF THE EFFECT OF FINANCIAL DERIVATIVES ON EXPORT ACTIVITY

Abstract

This paper addresses the issue of the effect of financial derivatives on export performance, on national level. Using a simple theoretical macroeconomic model, we analytically find a positive link between the use of foreign exchange financial derivative products and the export performance of seven major economies, due to the neutralization of the effective exchange rate factor. By applying panel data and using GLS regression on a set of six OECD countries and the European Union from 1999 to 2019, sufficient evidence for this positive relationship is provided. Therefore, the use of derivatives is recommended as an adequate method of protection against unfavorable exchange rate movement, providing a possible explanation of the contradictory empirical results regarding the effect of foreign exchange rate on export activity.

Keywords: Financial derivatives, exports, foreign exchange

JEL Codes: G10, G11, G12, G15

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DAMIRA KEČEK¹, KATERINA FOTOVA ČIKOVIĆ² AND JOŠKO LOZIĆ³

DATA PREPARATION AND HARMONIZATION FOR QUANTIFICATION OF ICT SECTORS CONTRIBUTIONS

Abstract

Information and communication technology (ICT) is generally found to be the driver of many economic activities and is considered as the main factor promoting economic growth and sustainable development of modern economies. Given the importance of ICT sectors and the insufficient empirical background of this topic, in this paper methodology of data preparation and harmonization for quantification of ICT sectors contribution is improved. Improved methodology of data preparation and harmonization is based on appropriate mathematical methods. The main data source in this research is input-output table for Croatian economy for the domestic production. The input-output table is made on the basis of 64 productive sectors linked to the 2007 National Classification of Activities.

Keywords: ICT sectors, input-output table, contribution

JEL Codes: C67

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MAZILU MIRELA ELENA¹, FLAVIU IACOB² AND IONUT ADRIAN DRĂGULEASA³

THE PERCEPTION OF THE INHABITANTS ON THE CULTURAL TOURISM IN THE SOUTH WEST OLTENIA REGION. CASE STUDY: DROBETA-TURNU SEVERIN

Abstract

Tourism and culture have always been in an interdependent cooperation in Drobeta-Turnu Severin, which has always been an important destination for those attracted by its rich culture alongside its historical and architectural heritage. Therefore, the cultural and historical heritage of Drobeta-Turnu Severin represents one of the oldest and most remarkable tourism-driving legacies in the South-West Oltenia Development Region.

The development of the cultural tourism offer is influenced by two elements: the demand of tourists/visitors, who are increasingly curious and demanding, and the behaviour of the local communities who want to benefit from the cultural activities and services financed by the Municipality. Therefore, there is a rich complexity of man-made tourist attractions, churches and monasteries with works of art, historical sites, museums, which can be of interest for cultural tourism within the Municipality of Drobeta-Turnu Severin.

Keywords: Cultural tourism, Municipality, attractiveness, tradition, tourist attractions

JEL Codes: Z32

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GINTARE LECKE¹ AND RENATA LEGENZOVA²

ECONOMIC SOCIALIZATION OF INVESTORS IN P2P LENDING: THE ROLE OF FRIENDS

Abstract

Digitalization, new technologies growth are changing the financial system and new financial services, such as P2P lending, are created. Innovative financial services change not only the whole financial market, but also the behavior of its participants. Traditional risk and return determinants of investor behavior of traditional financial services lose their significance in the context of innovative financial services. On the other hand, the significance of behavioral determinants of investor behavior of innovative financial services increases. Behavioral determinants such as social influence, financial literacy, financial attitudes, cognitive abilities are united by the economic socialization concept. Economic socialization can be described as an interaction process investor and socialization agents (for example, family, friends, school, media) and during this interaction investor acquires, changes, supplements the economic knowledge, skills, attitudes, and behavior pattern that need to make economic decisions. This article seeks to determine how one of the main agent (friends) of economic socialization affects investor behavior in P2P lending. The aim of the research is to assess if and how friends' economic socialization impacts investor behavior in P2P lending in Lithuania. The data collected during the survey. Totally 390 investors in P2P lending data were collected. SEM analysis was used to investigate the impact of economic socialization on investor behavior in P2P lending in Lithuania. The result revealed that most of the analyzed investors in P2P lending make bounded rationality investment decisions. Also, purposive economic socialization of friends has a more significant impact on bounded rationality investor behavior in P2P lending than spontaneous economic socialization of friends.

Keywords: Economic socialization, P2P lending, investor behavior, behavioral economic

JEL Codes: Z13, G2, G41

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PELLEGRINO MANFRA¹

FEDERAL RESERVE SYSTEM RATIONAL EXPECTATION MODEL: IS THEIR INFLATION EXPECTATION ACCURATE?

Abstract

Federal Reserve System (FED) gained popularity in March 2021 when FED chair Jay Powell pronounced a new buzz word “transitory inflation,” or the idea that price increases are only temporary in nature. He has maintained this stance for over a year. There is substantial indication to suggest that inflation is going to go higher, and not just on a transitory basis. Year to year CPI is 7.9% and the PPI is over 9.5%. These statistics point to a higher sustained inflation and it looks that inflation is not transitory, but perpetual – given the past experiences in the 1970s. The rational expectations approach is often used to test the accuracy of inflation forecasts. We use this model to predict Governor Jay Powell “transition inflation” and the validity of his hypothesis. The model has predicted that inflation has been well above the FED target of 2%. Thus the FED is trying to anticipate but they’re guessing. The FED is expected to defend its policy of letting inflation run hot, while assuring markets it sees the pick-up in prices as only temporary. The first rate hike in March is expected to be 25 basis point – it looks too little too late. This study has examined and suggest that the rational expectation model anticipate higher inflation - thus the FED appears to “fall behind the curve”.

Keywords: Federal Reserve System (FED), Rational Expectation, Inflation, CPI, PPI Monetary Policy

JEL Codes: E50, E58

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PELLEGRINO MANFRA¹

SCIENTIFIC EXAMINATION INTO THE ORIGIN AND DEVELOPMENT OF COVID 19: AN ANALYSIS “NATURA NON FACIT SALTUM”

Abstract

Natura non facit saltum. Latin for "nature does not make jumps" has been an important principle of natural science and natural philosophy. The principle expresses the idea that natural things and properties change gradually, rather than suddenly. The adage was, as is well known, adopted by Alfred Marshall as the motto for his “Principles of Economics”, most probably borrowing from Charles Darwin’s “Origin of Species.” In a mathematical context, this allows one to assume that the solutions of the governing equations are continuous. This paper examines the adage and extend to the Covid 19 premise that the virus – contrary to many scientist and Chinese authority maintain it abruptly mutated from bat to pangolins to animals to humans. According to “natura...” its impossible. We observe that nature and natural process and properties change gradually, rather than suddenly. This research maintains the virus gradually adopted from some source and did not make a big jump – as some scientist postulate. In the biological context, the principle was used by Charles Darwin and others to defend the evolutionary postulate that all species develop from earlier species through gradual and minute changes rather than through the sudden emergence of new forms. Gain function process produced in lab multiplies the evolution process exponentially thus increasing the mutation process – thus this is not a natural process but and induced one.

Keywords: Covid 19, Alfred Marshall, Charles Darwin, Gain Function

JEL Codes: Z19

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HANANE ZERWAL¹

NORTH AFRICAN MULTINATIONAL COMPANIES IN HUNGARY: MOTIVATIONS AND CHALLENGES”

Abstract

The phenomenon of multinational companies from emerging countries is continuing to capture the attention of International Business scholars and researchers. Amongst these companies, the north African multinationals are the ones that have started internationalizing their activities most recently, while specializing mainly in financial services, IT services, energy, and mining sectors.

Using a qualitative approach, the present paper aims to answer the following questions: what are the motivations behind the North African multinational companies’ choice to expand their activities in Hungary? What are the challenges faced by these foreign corporates on the Hungarian market?

Initial findings of this research reveal that the main motivations of North African multinationals FDI in Hungary are to gain access to the EU market, to position themselves in proximity of new potential business partners and consequently capture business opportunities, and learn new processes and technologies. Furthermore, the preliminary outcomes unveil that North African investors face skepticism after entering the Hungarian market due to an increased fear in the EU from the impacts of emerging market investors’ practices on the host economy. In addition, these firms experience the liability of foreignness due to the geographical, cultural, and institutional differences between their home and host states. Moreover, to ensure that they receive the Hungarian government’s support, they must attempt to harmonize their strategies with the government policies. The limitation of this study lies in the restricted access to detailed data concerning foreign direct investments. Therefore, future studies should attempt to investigate the topic on a deeper level using case study analysis.

Keywords: Emerging multinational companies, South-North foreign direct investments, foreign direct investments, African multinational companies, North African multinationals companies

JEL Codes: F20, F21, F23

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JIAYI WANG¹

THE STUDY ON CONSUMERS' ONLINE SHOPPING ADVANCE PURCHASE BEHAVIOUR”

Abstract

Due to the advantages of predictable sales and timely production adjustment, the online advance sale is being adopted by more and more e-commerce platforms. However, the success of the online advance sale depends on the enterprise's understanding of consumers' advance purchase intention. In the past, the research on online advance sales was mainly analyzed from the perspective of merchants, and it used a formula algorithm to investigate how to attract consumers in the advance sale, which usually lacked the analysis and investigation of consumers' purchase behavior. Therefore, this paper integrates the E-commerce Pre-sale Model to understand consumers' advance purchase intention and studies the influencing factors and ways of consumers' advance purchase intention from consumers' perspective. This paper collects 250 data samples utilizing a questionnaire and uses Hayes Process Macro to analyze the relationship between different independent variables and consumers' advance purchase intention. The results show that people under the age of 30 are the main target customers of advance sales. Perceived price attractiveness, perceived value, and perceived product care are essential factors affecting the purchase intention of online pre-sale. In addition, it is also suggested that delivery and waiting time have adverse effects on the advance purchase intention. This study will help e-commerce understand consumers' purchase behavior correctly and its influence mechanism under the advanced purchase mode. It also provides a valuable reference for e-commerce enterprises to formulate effective operation decisions and scientifically design advanced sale strategies.

Keywords: Advance purchase, E-commerce, purchase intention

JEL Codes: M31

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YAN OU¹ AND CANDY LIM CHIU²

THE IMPACT OF CAUSE RELATED MARKETING ON CONSUMERS' BUYING PREFERENCES IN CHINA

Abstract

Purpose – This paper aims to examine the effect of cause-related marketing (CRM) on Chinese consumers' buying preferences and also the mediating role of consumer-company identification and consumer-cause identification. More specifically, consumer –company identification incorporates shared values, similar personality traits, and needs to be met, while consumer-cause identification emphasizes consumers' perceived importance of a cause on the ratings of cause type, cause scope, and cause acuteness. By analyzing the responses of consumers with different individual characteristics to different levels of CRM, the study can provide more accurate cause-related marketing methods and strategies for enterprises in China.

Design/methodology/approach – Consumer-company identification is the perceived fit between a consumer and a company, while consumer-cause identification is the perceived fit between a consumer and a cause. Because both of these two identifications may clarify the success of CRM in the retailing industry, the study tested the proposed conceptual model to evaluate independent variables (e.g., brand attractiveness, corporate social responsibility, consumer skepticism, company evaluation), and mediators (consumer cause identification and consumer company identification) that will affect Chinese consumers' purchase intentions on clothing products. The study utilized a questionnaire, and data were collected from a sample of 251 Chinese consumers who evaluated their perceptions to the case of CRM events of Anta, a Chinese sportswear multinational corporation.

Findings – The results show that under the background of CRM event held by Anta, the brand attractiveness, corporate social responsibility, consumer skepticism, and company evaluation all exert a significant effect on Chinese consumers' purchase intentions on sports clothing products. Furthermore, the indirect effect via consumer identification with the company is significant, demonstrating that it plays a mediation part between both the relationship of the brand attractiveness and purchase intention, as well as corporate social responsibility and purchase intention. Similarly, consumer-cause identification mediates the relationship between consumer skepticism and purchase intention, as well as the relationship between company evaluation and purchase intention.

Originality/value – Most studies are single consumer identification evaluation, but this paper is based on both consumers' identification with the company and consumer-cause identification, which leads to not only a more comprehensive and robust research result, but also important CRM insights to Chinese enterprises to make better decisions when they are in the face of multiple social cause choices. Chinese sports clothing marketers involved in CRM will promote consumers' purchase preferences by working to increase consumer-company identification and consumer-cause identification. Moreover, marketers are also encouraged to pay more attention on the perceived brand attractiveness, corporate social responsibility, consumer skepticism, and company evaluation, which are able to enhance Chinese consumers' purchase intentions under the popularization of CRM in China.

Keywords: Chinese, Cause-related marketing, Corporate social responsibility, Consumer company identification, Consumer cause identification, Purchas intention

JEL Codes: M31

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YINZHOU XIAO¹ AND CANDY LIM CHIU²

TECHNOLOGY VERSUS MARKETING: ANALYSIS OF HIGH-END MOBILE PHONE CHOICE OF GENERATION-Z MARKET IN CHINA

Abstract

Nowadays, high-end mobile phones are very popular in China, especially for Generation Z. Among different brands of high-end mobile phones, Apple and Huawei attract the most significant customers. Preferences of customers for Apple and Huawei in the market are mainly due to excellent performances in their technologies and marketing. Therefore, the primary purpose of this paper is to explore the more important factor for purchase intention from marketing and technology factors based on the cases of foreign and local brands. Two dimensions measure the technology: perceived ease of use and perceived value, while three variables specify the marketing: country of origin, brand image, and corporate image. The theoretical research framework is based on the Technology Acceptance Model (TAM). This research adopts a quantitative approach through two online questionnaires among Chinese people with a sample size of 300 for the case of a foreign brand and a sample size of 456 for the case of a local brand, and Hayes Process Macro analyzes the data in SPSS 25.0. Based on the data analysis, the results of the foreign brand case demonstrate that marketing factors are more important than technology. However, in the case of a local brand, technology factors are more critical than marketing factors. In addition, the mediating effect of perceived value perceived innovativeness, and perceived quality influence the relationships between the independent and dependent variables. Improving marketing policies is the direction of local brands' efforts and enhancing the technology of its products is what foreign brands continuously thrive on.

Keywords: High-end mobile phone, Chinese market, generation Z, technology, marketing

JEL Codes: M31

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JIAYIN XU¹ AND CANDY LIM CHIU²

INFLUENCE OF MALE KOLs ON WOMEN ONLINE COSMETICS PURCHASE

Abstract

Cosmetics purchasing is becoming increasingly popular among female consumers nowadays, and the promotion strategy for cosmetics becomes various. Among lots of promotion ways, key opinion leaders (KOLs) promotion and selling gradually play an important role in the modern cosmetics market. Traditionally, majority of cosmetics influencers are female. However, surprisingly, more and more male cosmetics influencers get high popularity in the make-up market. Therefore, the primary purpose of this paper is to explore the influence of male KOLs on female online cosmetics purchases through the variables, like source attractiveness, source expertise, source trustworthiness, entertainment value, informative value, etc. The theoretical framework based on two models: one is Social Media Influencer Value (SMIV) model, another is two-step flow model. This research uses a quantitative approach through one online questionnaire among Chinese people with a sample size of 375 regarding female consumers' attitudes toward a Chinese male KOL, Li Jiaqi. Based on the empirical test, male KOL's influence on female consumers is significant, from aspects including source attractiveness, expertise, trustworthiness, entertainment value, and informative value, and then consumers will be affected in intention to purchase, recommend, and follow the advice. According to the results of research, all of these causing factors are positively related to consumers' final decision making. Therefore, male KOLs selling cosmetics possibly become a good promotion approach for the future cosmetics market.

Keywords: Cosmetics, male influencer, key opinion leaders, China

JEL Codes: M30

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MARIA PABLO ROMERO¹, ANTONIO SANCHEZ BRAZA² AND DANIEL GONZALEZ JARA³

ELECTRICITY INFRASTRUCTURE AND ECONOMIC GROWTH

Abstract

The analysis of the effects of electrification has been mainly analyzed from the point of view of the development of less developed areas, among which rural areas are particularly relevant. However, in today's world, the interest in the development of electricity grids goes beyond that. Globally, the process of electrification of economies is a continuous process, but one that has been growing in recent years. Therefore, analyzing the effect of electrical infrastructures on economic growth is currently of relevance for all countries, as their underdevelopment can impede adequate economic growth. The aim of this paper is to analyze the effect of energy productive capital, and specifically of electricity infrastructures, on productivity, in the Autonomous Regions of Spain, in a recent period from 2011 to 2018, for which sufficient statistical information is available. A translog function is estimated where human capital, stock of capital and electricity infrastructure are independent variables. Electricity infrastructure is measured by density electricity lines and positions. Complementarity relationships are observed between productive and human capital and electricity infrastructure. Mostly increasing returns to scale are observed, indicating that the progressive accumulation of this type of capital has positive effects on the growth of economic productivity.

Keywords: Electricity infrastructure, economic growth, Spain, translog function, complementary relationships

JEL Codes: O10, O40, Q56

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SAULET ALPYSBAYEVA¹ AND TOISHYBEKOVA GULNAZ ASKHATKYZY²

ROLE OF EMOTIONAL INTELLIGENCE (EI) IN TEACHING ENGLISH TO YOUNG LEARNERS

Abstract

This study explores the role of EQ (EI) in teaching English to young learners. Researchers widely discuss the importance of emotional intelligence in people's lives, claiming its immediate correlation with people's success, welfare and general positive state of mind. Foreign language learning is a pertinent environment where the awareness of EI and its effective implementation are requested. As young learners of foreign languages are in the formative stage of their development, they demonstrate high potential to learn emotional intelligence. It is argued that the level of EQ (EI) can impact the language learning, performance, motivation and interest levels in the language classroom. Hence, identifying the place of EQ (EI) in the process of foreign language learning is crucial. The aim of this study is to evaluate the role of EQ (EI) in teaching English to young learners and explore the ideas and ways of incorporating EI in English language teaching. In the study the qualitative and quantitative methods were used. 20 undergraduate students of teacher training faculty at Kazakh Ablai Khan University of International Languages and World Languages took part in the survey after practicum. The findings revealed the importance of EI in teaching young learners. Incorporating EI into the curriculum of English language teaching and making it part of consistent research are future considerations.

Keywords: Emotional intelligence, teaching, English, language

JEL Codes: I20, I21, I23

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SUSANA MSR FONSECA¹, ANA GUIA² AND FILIPE DUARTE³

COVID'S IMPACT ON MERCIES

Abstract

In recent decades, there has been a constant growth and diversification of the Third Sector, which is formed by non-profit organisations, with social and public purposes, so that their activities complement the actions of the public sector. In the context of economic and social transformations, the COVID-19 pandemic stands out. Besides the impacts on their activity, these organisations believe that the pandemic has intensified a large set of social problems, namely psychological problems, unemployment, and poverty.

With this scenario, this article intends to identify which are the main negative impacts that the Mercies, third sector organisations, are undergoing, so that these may be disseminated to Society in general, the Media, the Government, the Entrepreneurs, the Volunteers, the Donors, the Financiers, amongst others, so that the due support and solutions may be created.

A literature review was carried out based on recent studies on the impacts of COVID-19 and a questionnaire was launched to gauge the impact of COVID-19 on Mercies in Portugal.

It was verified that the pandemic brought a strong impact on the management of the organisations, with a decrease of about 30% in their revenues, besides presenting a significant increase in personnel costs. However, most of the respondents affirm that they are maintaining their performance targets.

Keywords: COVID-19, Impacts, Management, Third sector; Mercies

JEL Codes: L31, L89, M10

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AAYESHA SAXENA¹

GOVERNING THE FORESTS AND ADIVASIS OF CENTRAL INDIA: ANALYSING INSTITUTIONAL UNDERPINNINGS AND POWER RELATIONS

Abstract

This study is an attempt to analyse how power manifests itself in governing resources in a conflict ridden zone. Conflict is understood as contestation over access to and control over resources and the study attempts to study how forest is governed in Central India's state of Jharkhand. Forest remains a crucial resource which has long been attempted to be conserved and protected in the wake of its fast depletion. While the debate around sustainable forest management remains relevant, it essentially is a goal-oriented approach which may overlook the diverse socio-economic, socio-political, socio-cultural and socio-ecological conditions prevalent in a given context. This paper is thus also an attempt to gauge the efficacy of institutions and their practices in governing and thereby managing, forests in a conflict-ridden zone. The study is contextualized in the West Singhbhum district of the Indian state of Jharkhand and the paper adopts the method of triangulation to setup an enquiry comprising of content analysis to understand the ground theory and situating the case study in its historical context,. This is supplemented with secondary data sources such as the Census, Forest Survey of India, etc. to arrive at the choice of the district for the study and finally, a semi-structured interview with key informants such as the District Commissioner, District Forest Officer, District Development Commissioner, Forest Guards, Block Development Officers in addition to civil society actors and villagers residing in forest and revenue villages so as to enable critical analysis into the status and effectiveness of Joint Forest Management and Forest Rights Act as two crucial schemes and legislations governing forests in India. The study concludes with the assertion that in a situation of conflict, there are multiple stakeholders which interact with each other and rather than engaging in a meaningful act of sustaining and protecting the forests and its produce, end up entrenching the dispute between them, thereby defeating the entire ethos of forest management, conservation and sustainability and contributing to persisting the conflict. In this sense, power is seen to manifest not just relationally, but also structurally which is embodied in the very way in which legislations governing forests in India are convened.

Keywords: Forest governance, Conflict and Development, Development and Governance, Indigenous Politics

JEL Codes: Q00, Q20, Q50

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SLAGJANA STOJANOVSA¹

ADOPTING E-COMMERCE AS “NEW NORMAL”: COVID 19 PRACTICES

Abstract

The pandemic (Covid-19) significantly accelerated the growth and adoption of e-commerce. Many companies, due to restrictive measures and quarantines, digitized the work process in order to maintain their businesses, reach new potential customers and compensate for the decline in sales at physical locations. The greatest "success" was achieved by businesses that had already established an online presence and an advanced level of digitization of their processes while others failed to adapt and recorded a significant decline. On the other hand, e-commerce accelerated the consumer experience of using and practicing digital technologies and services, so that consumers were somehow forced to change their habits and turn more towards e-shopping and e-services.

For this purpose, it is researching published reports and documents, related to consumer and company experience of e-commerce adoption during a pandemic and their practices going forward. Analyzes of consumer habits in North Macedonia, in 2021 compared to 2020, show that 37% shop online significantly more while 20% started paying bills online for the first time and using government e-services. Although it remains uncertain how long-lasting the effects of this "forced growth" will be, it is positive that even 76% said they will continue to buy at the same volume even after COVID-19.

Keywords: E-commerce, Covid 19, New normal business

JEL Codes: M10, M20, M30

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