

COURSE OUTLINE

1. Data about the study programme

1.1 Higher education institution	TRANSILVANIA UNIVERSITY OF BRAȘOV
1.2 Faculty	LAW
1.3 Department	LAW
1.4 Field of study ¹⁾	LAW MASTER
1.5 Study level ²⁾	MASTER
1.6 Study programme/ Qualification	LAW AND DIPLOMACY OF SUSTAINABLE DEVELOPMENT (in english)/ MASTER in LAW AND DIPLOMACY OF SUSTAINABLE DEVELOPMENT (in english)

2. Data about the course

2.1 Name of course	FAMILY LAW INSTITUTIONS IN THE EUROPEAN UNION (EUFAM2)							
2.2 Course convenor	Professor PhD Ioana NICOLAE							
2.3 Seminar/ laboratory/ project convenor	Lecturer PhD Georgeta Bianca SPÎRCHEZ							
2.4 Study year	1	2.5 Semester	2	2.6 Evaluation type	E	2.7 Course status	Content ³⁾	DAP
							Attendance type ⁴⁾	DI

3. Total estimated time (hours of teaching activities per semester)

3.1 Number of hours per week	3	out of which: 3.2 lecture	2	3.3 seminar/laboratory/project	1
3.4 Total number of hours in the curriculum	42	out of which: 3.5 lecture	28	3.6 seminar/laboratory/project	14
Time allocation					hours
Study of textbooks, course support, bibliography and notes					28
Additional documentation in libraries, specialized electronic platforms, and field research					56
Preparation of seminars/ laboratories/ projects, homework, papers, portfolios, and essays					68
Tutorial					2
Examinations					2
Other activities.....					2
3.7 Total number of hours of student activity					158
3.8 Total number per semester					200
3.9 Number of credits ⁵⁾					8

4. Prerequisites (if applicable)

4.1 curriculum-related	•
4.2 competences-related	• use of general legal concepts, applicable legislation, as well as relevant case law and doctrine

5. Conditions (if applicable)

5.1 for course development	• classroom equipped with blackboard/video projector
5.2 for seminar/ laboratory/ project development	• access to course material and legislation and case law • classroom equipped with blackboard/video projector

6. Specific competences and learning outcomes

Professional competences	<p>Cp1. In-depth knowledge of an area of specialization and within it of the theoretical, methodological and practical developments specific to the program, appropriate use of specific language in communication with different professional environments</p> <p>L.O.1.1 to have in-depth knowledge of the specific concepts and institutions of EUFAM2; L.O. 1.2 to describe the concepts, theories and methodologies used in the EUFAM2; L.O.1.3 define and classify the theories, paradigms and principles used in the EUFAM2; L.O.1.4 to identify the legal norms in the European legal system and the main international legal instruments in the EUFAM2; L.O.1.5 to define concepts and to analyze in depth these concepts, as well as the methods and theories used in the interpretation and comparison of institutions in European and international law; L.O.1.6 to identify sources of information in the field of law (legislation, doctrine and jurisprudence), applicable to a legal issue, including the use of legal databases</p> <p>Cp2 using specialized knowledge to explain and interpret new situations in broader contexts associated with the field</p> <p>L.O.2.1 to use specialized legal language to explain and interpret specific concepts and theories of the EUFAM2; L.O.2.2 to use concepts and theories from the legal field to explain and interpret European and international legal texts (legal norms); L.O.2.3 to explain and interpret European and international legal norms by using the knowledge acquired in the EUFAM2; L.O.2.4 to interpret the relationship between EUFAM2 institutions and those specific to other states by using comparative and interpretative methods; L.O.2.5 to explain and interpret the sources of information in the EUFAM2 (legislation, doctrine and case law), relating to a specific legal issue; L.O.2.6 to explain and interpret how the legal phenomenon intersects with factual situations (how a factual situation acquires legal significance)</p> <p>Cp3 integrated use of the conceptual and methodological apparatus, in incompletely defined situations, to solve new theoretical and practical problems</p> <p>L.O.3.1 to use specialized legal language in developing specific arguments in the EUFAM2; L.O.3.2 to apply the theories, principles and concepts of EUFAM2 in a given context; L.O.3.3 to identify the legal provisions in European and international legislation specific to the EUFAM2, applicable in a given context; L.O.3.4 to make correlations and comparisons between institutions of the European legal system and that of international law in a given context, using specific EUFAM2 methods and techniques; L.O.3.5 to select the legal information necessary to solve a concrete problem in the in-depth research of the EUFAM2; L.O.3.6 to resolve the EUFAM2 issue raised by a factual situation</p> <p>Cp4 the nuanced and pertinent use of evaluation criteria and methods to formulate value judgments and substantiate constructive decisions</p> <p>L.O.4.1 to use specialized legal language to evaluate the concepts, theories and methods enshrined in the EUFAM2; L.O.4.2 to analyze preliminary data, interpret them, make classifications and conceptual delimitations specific to EUFAM2; L.O.4.3 to realize the legal study and distinguish between relevant and irrelevant provisions that have an impact on resolving specific EUFAM2 situations; L.O.4.4 to interpret and evaluate the specific methods that can be used to determine the relationship between EUFAM2 institutions at European and international level; L.O.4.5 to critically evaluate texts from legislation, doctrine and jurisprudence, relating to a specific EUFAM2 issue; L.O.4.6 to make the correct and reasoned selection between several solutions that can be given to a specific factual situation EUFAM2</p> <p>Cp5 developing professional and/or research projects using innovatively a wide range of quantitative and qualitative methods</p> <p>L.O.5.1 to use specialized legal language in the development of professional projects specific to EUFAM2; L.O.5.2 to develop professional projects using specific theories, principles and methods of EUFAM2; L.O.5.3 to develop professional projects using the European and international legislation in force specific to the EUFAM2; L.O.5.4 to develop professional projects using methods of comparing European and international legislation EUFAM2; L.O.5.5 to develop professional projects using legislation, doctrine and jurisprudence in the field of EUFAM2; L.O.5.6 to develop a study and/or professional project starting from the legal framework of a specific factual situation EUFAM2</p> <p>Cp6 responsible and autonomous exercise of the duties specific to the legal professions</p> <p>L.O.6.1 to perform complex professional tasks, under conditions of autonomy and professional independence; L.O.6.2 to assume roles/functions of leading the activity of professional groups or institutions; L.O.6.3 to control and manage their learning process, diagnosis of training needs, reflective analysis of their own professional activity</p>
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Transversal competences	<p>Ct1 autonomy and responsibility for performing professional tasks in teamwork conditions, limited autonomy, distribution of tasks and responsibilities and qualified assistance in achieving objectives</p> <p>L.O.1.1 to acquire the ability to work independently, with only minimal guidance, to obtain the bibliographic, jurisprudential or legislative information necessary to carry out a specific task associated with one of the legal fields;</p> <p>L.O. 1.2 to have the ability to identify their own learning sources and resources;</p> <p>L.O.1.3 to have the ability to reflect on the progress made in the learning process;</p> <p>L.O.1.4 to learn the principles, norms and values specific to "a job well done", namely the strategies of rigorous, efficient and responsible work, punctuality and personal responsibility for the result, based on the principles, norms and values of the code of professional ethics</p>
	<p>Ct2 social interaction, which involves familiarization with the roles and responsibilities assumed in working conditions in organizations and/or institutions; graduates must have the ability</p> <p>L.O.2.1 to correctly use the language and terminology specific to the legal field, so that they can communicate and interact with other people within teams focused on achieving common tasks;</p> <p>L.O. 2.2 to debate the contents of monographs, courses, textbooks, case studies, etc. in the legal field, demonstrating the ability to understand and transmit the respective contents;</p> <p>L.O.2.3 to present arguments before an audience made up of people with different levels of training and education, so that, through the legal language used, they can be understood by other categories of people;</p> <p>L.O.2.4 to demonstrate teamwork skills both through curricular activities, such as participating in joint projects, and through extra-curricular activities;</p> <p>L.O.2.5 to demonstrate the assimilation of group relationship techniques, empathic interpersonal communication skills and the assumption of specific roles within teamwork</p>
	<p>Ct3 awareness of the need for continuous professional and scientific training and efficient use of resources and techniques for continuous professional and personal development throughout life</p> <p>L.O.3.1 to acquire and use effective learning methods and techniques;</p> <p>L.O. 3.2 to develop permanent and conscious self-control skills regarding motivations for learning, in relation to their own professional and personal development goals;</p> <p>L.O.3.3 to make distinctions between data, information and knowledge and to apply techniques for managing them;</p> <p>L.O.3.4 to be aware of the extrinsic and intrinsic motivations of continuous learning</p>

7. Course objectives (resulting from the specific competences to be acquired)

7.1 General course objective	<ul style="list-style-type: none"> the student should have in-depth knowledge and operate with notions, concepts and categories specific to European Family Law the student should develop the ability to identify specific legislation and case law, as well as to appreciate the influence of EU law in the context of family matters
7.2 Specific objectives	<ul style="list-style-type: none"> the student is able to identify and explain the principle of European Family Law; the student is able to identify and explain the impact of the formal sources of EU law, as well as the EU institutions within family cases; the student is able to analyze the relevant case law of the CJEU in order to understand the reasoning and their own methods of interpretation; the student is able to carry out relevant comparative analyses for specific family topics at international and European level; the student is able to select and correctly apply the basic methods and principles learned in solving practical problems and specific EUFAM2 cases; the student is able to develop the skills to correctly apply the theoretical knowledge acquired to solve practical problems and specific EUFAM2 cases; the student to form and develop their ability to analyze and synthesize; the student should develop the ability to write essays and research projects on topics in the field;

8. Content

8.1 Course	Teaching methods	Number of hours	Remarks
1. The Europeanisation of International Family	Participatory lecture,	2	

Law: EU competence to enact measures of international family law	debate, presentation, problematization, exemplification		
2. General European rules in family matters	Idem	2	
3. The impact of the European Convention on Human Rights and of the European Court of Human Rights on European Family Law	Idem	2	
4. The changing concept of "family" and challenges for the domestic family law	Idem	2	
5. The European cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships	Idem	2	
6. Family rights as corollary to free movement in the Internal Market	Idem	2	
7. Married Couples and Matrimonial Regimes. Cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes	Idem	2	
8. Divorce Law and Procedure within the EU Law	Idem	2	
9. Jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations	Idem	2	
10. Child care and parental responsibility	Idem	2	
11. Children's rights and the best interest (welfare) principle	Idem	2	
12. Family life in immigration cases. The right to family reunification	Idem	2	
13. Minor's protection: the Hague Convention on the civil aspects of international child abduction	Idem	2	
14. Recognition of parenthood between Member States	Idem	2	
Bibliography Thomas Pfeiffer, Quincy C. Lobach, Tobias Rapp (Eds.), <i>Facilitating Cross-Border Family Life – Towards a Common European Understanding</i> , Heidelberg University Publishing, 2021; Stefan Arnold, Bettina Heiderhoff (EDS.), <i>Children in Migration and International Family Law. The Child's Best Interests Principle at the Interface of Migration Law and Family Law</i> , Springer, 2022; European Union Agency for fundamental rights, <i>Handbook on European law relating to the rights of the child 2022 edition</i> (https://fra.europa.eu/sites/default/files/fra_uploads/fra-coe-2022-handbook-child-rights_en.pdf) Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations Council Regulation (EU) 2019/1111 of 25 June 2019 on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction			
8.2 Seminar/laboratory/project	Teaching-learning methods	Number of hours	Remarks

1.How to find specific legislation and case law (research orientation)	Debate, presentation, problematization, exemplification, case study	1	
2.The European judicial cooperation in civil (family) matters. Legal instruments	Idem	1	
3. The role of the European Courts in guaranteeing the right to family life	Idem	1	
4. The changing concept of "family" and challenges for the domestic family law	Idem	1	
5. The European cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of the property consequences of registered partnerships. <i>Case study</i>	Idem	1	
6. Family rights as corollary to free movement in the Internal Market. <i>Coman case</i>	Idem	1	
7. Married Couples and Matrimonial Regimes. Cooperation in the area of jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes. <i>Case study</i>	Idem	1	
8. Divorce Law and Procedure within the EU Law. <i>Case study</i>	Idem	1	
9. Jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations. <i>Case study</i>	Idem	1	
10. The right of a child to be cared for by his parents	Idem	1	
11. Alternative care and adoption	Idem	1	
12. Family reunification for separated children	Idem	1	
13. The status of children arising from inter-country surrogacy arrangements	Idem	1	
14.Final review	Idem	1	
<p>Bibliography</p> <p>Ioana Nicolae, <i>Assisted human reproduction by using a donor a novelty of the Romanian legislative system</i>, Law Review, 2014</p> <p>Ioana Nicolae, Georgeta-Bianca Spirchez, <i>Actions regarding the Filiation with Regard to Mother in the Case of Surrogate Motherhood. Clarifications in the Practice of the Romanian Courts of Law</i>, Family Law Review</p> <p>Ioana Nicolae, <i>The right to family reunification within the European Union</i>, Law Review, 2016</p> <p>G.B. Spirchez, <i>Mutual recognition of family relations in the E.U. European Court of Justice case-law regarding the children of Rainbow Families</i>, Bulletin of the Transilvania University of Braşov-special issue 2022: https://webbut.unitbv.ro/index.php/Series_VII/article/view/4605/3527</p> <p>G.B. Spirchez, <i>European Court of Justice Decision in Coman Case and Its Implications in the Same-Sex Spouses Matter</i>, Bulletin of the Transilvania University of Braşov, Series VII: Social Sciences ■ Law ■ Vol. 14(63) Special Issue: http://webbut.unitbv.ro/index.php/Series_VII/article/view/1044/943</p> <p>G.B. Spirchez, <i>Violation of the right to private and family life in case of lack of official recognition of same-sex relationships</i>,</p>			

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https://webbut.unitbv.ro/index.php/Series_VII/article/view/5293/4135

G.B. Spîrchez, *The margin of appreciation recognized for the signatory states of the European Convention on Human Rights in the field of the medically assisted human reproduction*, in Law Review, special issue, dec. 2019

9. Correlation of course content with the demands of the labour market (epistemic communities, professional associations, potential employers in the field of study)

By learning the theoretical concepts and approaching the practical aspects included in the discipline "FAMILY LAW INSTITUTIONS IN THE EUROPEAN UNION", students acquire a consistent knowledge necessary for the deepening of specific notions, concepts and principles. The course respects the content offered by specialized programs in other European countries. The course exists in the curriculum of universities and faculties in Romania.

10. Evaluation

Activity type	10.1 Evaluation criteria	10.2 Evaluation methods	10.3 Percentage of the final grade
10.4 Course	Correctness and completeness of knowledge	Oral assessment during the exam session	70%
	Logical coherence, degree of assimilation of specialized language	Active participation in classes	10%
10.5 Seminar/ laboratory/ project	The ability to operate with the acquired knowledge	Oral assessment during the semester	10%
	The ability to apply in practice	Active participation at the seminars	10%
10.6 Minimal performance standard			
<ul style="list-style-type: none">• to prove minimal mastery of the subject;• the oral presentation must not contain serious errors;• minimal activity during the semester.			

This course outline was certified in the Department Board meeting on 06.02.2025 and approved in the Faculty Board meeting on 06.02.2025

Associate Professor PhD Roxana MATEFI	Lecturer PhD Oana ŞARAMET
Dean	Head of Department
Professor PhD Ioana NICOLAE	Lecturer PhD Georgeta Bianca SPÎRCEZ
Course holder	Holder of seminar/ laboratory/ project

Note:

1) Field of study – select one of the following options: Bachelor / Master / Doctorat (to be filled in according to the forceful classification list for study programmes);

2) Study level – choose from among: Bachelor / Master / Doctorat;

- ³⁰ Course status (content) – for the Bachelor level, select one of the following options: **FC** (fundamental course) / **DC** (course in the study domain)/ **SC** (speciality course)/ **CC** (complementary course); for the Master level, select one of the following options: **PC** (proficiency course)/ **SC** (synthesis course)/ **AC** (advanced course);
- ⁴¹ Course status (attendance type) – select one of the following options: **CPC** (compulsory course)/ **EC** (elective course)/ **NCPC** (non-compulsory course);
- ⁵⁰ One credit is the equivalent of 25 study hours (teaching activities and individual study).