

## 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 <sup>1)</sup>	LAW MASTER
1.5 Study level <sup>2)</sup>	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	PROCEDURAL INSTRUMENTS FOR THE PROTECTION OF RIGHTS IN THE EUROPEAN UNION (PROCDREU1)						
2.2 Course convenor	Lecturer PhD Oana ȘARAMET						
2.3 Seminar/ laboratory/ project convenor	Lecturer PhD Georgeta Bianca SPÎRCHEZ						
2.4 Study year	2	2.5 Semester	1	2.6 Evaluation type	E	2.7 Course status	Content <sup>3)</sup> DS
							Attendance type <sup>4)</sup> 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					43
Tutorial					2
Examinations					2
Other activities.....					2
3.7 Total number of hours of student activity	133				
3.8 Total number per semester	175				
3.9 Number of credits <sup>5)</sup>	7				

### 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><b>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</b></p> <p>L.O.1.1 to have in-depth knowledge of the specific concepts and institutions of PROCDREU1;</p> <p>L.O. 1.2 to describe the concepts, theories and methodologies used in the PROCDREU1;</p> <p>L.O.1.3 define and classify the theories, paradigms and principles used in the PROCDREU1;</p> <p>L.O.1.4 to identify the legal norms in the European legal system and the main international legal instruments in the PROCDREU1;</p> <p>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;</p> <p>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><b>Cp2 using specialized knowledge to explain and interpret new situations in broader contexts associated with the field</b></p> <p>L.O.2.1 to use specialized legal language to explain and interpret specific concepts and theories of the PROCDREU1;</p> <p>L.O.2.2 to use concepts and theories from the legal field to explain and interpret European and international legal texts (legal norms);</p> <p>L.O.2.3 to explain and interpret European and international legal norms by using the knowledge acquired in the PROCDREU1;</p> <p>L.O.2.4 to interpret the relationship between PROCDREU1 institutions and those specific to other states by using comparative and interpretative methods;</p> <p>L.O.2.5 to explain and interpret the sources of information in the PROCDREU1 (legislation, doctrine and case law), relating to a specific legal issue;</p> <p>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><b>Cp3 integrated use of the conceptual and methodological apparatus, in incompletely defined situations, to solve new theoretical and practical problems</b></p> <p>L.O.3.1 to use specialized legal language in developing specific arguments in the PROCDREU1;</p> <p>L.O.3.2 to apply the theories, principles and concepts of PROCDREU1 in a given context;</p> <p>L.O.3.3 to identify the legal provisions in European and international legislation specific to the PROCDREU1, applicable in a given context;</p> <p>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 PROCDREU1 methods and techniques;</p> <p>L.O.3.5 to select the legal information necessary to solve a concrete problem in the in-depth research of the PROCDREU1;</p> <p>L.O.3.6 to resolve the PROCDREU1 issue raised by a factual situation</p> <p><b>Cp4 the nuanced and pertinent use of evaluation criteria and methods to formulate value judgments and substantiate constructive decisions</b></p> <p>L.O.4.1 to use specialized legal language to evaluate the concepts, theories and methods enshrined in the PROCDREU1;</p> <p>L.O.4.2 to analyze preliminary data, interpret them, make classifications and conceptual delimitations specific to PROCDREU1;</p> <p>L.O.4.3 to realize the legal study and distinguish between relevant and irrelevant provisions that have an impact on resolving specific PROCDREU1 situations;</p> <p>L.O.4.4 to interpret and evaluate the specific methods that can be used to determine the relationship between PROCDREU1 institutions at European and international level;</p> <p>L.O.4.5 to critically evaluate texts from legislation, doctrine and jurisprudence, relating to a specific PROCDREU1 issue;</p> <p>L.O.4.6 to make the correct and reasoned selection between several solutions that can be given to a specific factual situation PROCDREU1</p> <p><b>Cp5 developing professional and/or research projects using innovatively a wide range of quantitative and qualitative methods</b></p> <p>L.O.5.1 to use specialized legal language in the development of professional projects specific to PROCDREU1;</p> <p>L.O.5.2 to develop professional projects using specific theories, principles and methods of PROCDREU1;</p> <p>L.O.5.3 to develop professional projects using the European and international legislation in force specific to the PROCDREU1;</p> <p>L.O.5.4 to develop professional projects using methods of comparing European and international legislation PROCDREU1;</p> <p>L.O.5.5 to develop professional projects using legislation, doctrine and jurisprudence in the field of PROCDREU1;</p> <p>L.O.5.6 to develop a study and/or professional project starting from the legal framework of a specific factual situation PROCDREU1</p> <p><b>Cp6 responsible and autonomous exercise of the duties specific to the legal professions</b></p> <p>L.O.6.1 to perform complex professional tasks, under conditions of autonomy and professional independence;</p> <p>L.O.6.2 to assume roles/functions of leading the activity of professional groups or institutions;</p> <p>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><b>Ct1 autonomy and responsibility for performing professional tasks in teamwork conditions, limited autonomy, distribution of tasks and responsibilities and qualified assistance in achieving objectives</b></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><b>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</b></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><b>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</b></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>
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## 7. Course objectives (resulting from the specific competences to be acquired)

7.1 General course objective	<ul style="list-style-type: none"> <li>the student to know and understand the basic concepts of the European procedural mechanism</li> <li>the student to develop the skills to correctly apply the theoretical knowledge acquired to solve practical problems and cases in the field of European procedural law</li> <li>the student to form and develop his/her capacity for analysis and synthesis</li> </ul>
7.2 Specific objectives	<ul style="list-style-type: none"> <li>the student is able to determine specific ways of valorising the subjective civil rights in justice, to identify and analyze the different means of defense under the aspect of several criteria, etc.</li> <li>the student is able to select and correctly apply the basic methods and principles learned in solving practical problems and cases of European procedural law</li> <li>the student can realize research projects on topics of European procedural law</li> </ul>

## 8. Content

8.1 Course	Teaching methods	Number of hours	Remarks
1. Structure, functioning and status of the courts of the European Union	Presentation	2	
2. On the types of procedures at the Court of Justice of the European Union. I. Preliminary reference procedure	Idem	2	
3. On the types of proceedings at the Court of Justice of the European Union. II. Action for failure	Idem	2	

to fulfil obligations by Member States			
4. On the types of proceedings at the Court of Justice of the European Union. III. Action for annulment	Idem	2	
5. On the types of proceedings at the Court of Justice of the European Union. IV. Action for failure to act	Idem	2	
6. Legal instruments establishing civil procedures at European level. General presentation	Idem	2	
7. Relevant measures adopted at EU level in the field of judicial cooperation	Idem	2	
8. Fundamental rights of parties in civil proceedings, at European level. Charter of Fundamental Rights in the EU	Idem	2	
9. Proportionality - principle of European Union law	Idem	2	
10. The relationship between conventional rules, European rules and national rules of civil procedure	Idem	2	
11. The relationship between the Court of Justice of the European Union and the ECHR. Interpretation of the ECHR by the two courts	Idem	2	
12. Alternative dispute resolution methods, part of European policies to improve access to justice	Idem	2	
13. Book VII of the Code of Civil Procedure - International Civil Procedure	Idem	2	
14. The European Small Claims Procedure	Idem	2	
Bibliography N. Diaconu, D.A. Crăciunescu, International civil procedure in the context of contemporary legal requirements, Ed. Universul Juridic, București, 2021; G. Fabian, EU procedural law, Ed. Hamangiu, 2023; G.L. Ispas, D. Panc, Organization of justice in the European Union, Ed. Hamangiu, 2021; I. Rebeca, European civil procedure, Ed. Hamangiu, 2023;			
8.2 Seminar/laboratory/project	Teaching-learning methods	Number of hours	Remarks
1. Documentation resources. General presentation	Alternating presentation with interactive method, group work, problem-based learning	1	
2. Guide to writing projects	Idem	1	
3. Historic rulings of the CJEU	Idem	1	
4. Case studies on refusal of national courts to refer preliminary questions	Idem	1	
5. Problems in the practice of preliminary references made by various courts	Idem	1	
6. Proceedings before national courts after receiving the response from the CJEU. Case study	Idem	1	
7. On the authority of the interpreted work of the CJEU judgments	Idem	1	



8. Case studies on the application of the case law of the Court of Justice of the European Union in the decisions of domestic courts	Idem	1	
9. The right to an effective remedy and a fair trial in light of the Charter of Fundamental Rights of the European Union	Idem	1	
10. Relevant measures adopted at EU level in the field of judicial cooperation	Idem	1	
11. The principle of proportionality. The hypostases of proportionality in civil procedure	Idem	1	
12. The relationship between the Court of Justice of the European Union and the ECHR. Interpretation of the ECHR by the two courts	Idem	1	
13. The European Union's accession to the European Convention on Human Rights	Idem	1	
14. Alternative means of dispute resolution. European experiences	Idem	1	
<b>Bibliography</b> CRAIG Paul, Preliminary references and the clear act: national courts, the Advocate General and the Court of Justice of the European Union, <i>Revista Română de Drept European (Comunitar)</i> 1 din 2023; LENAERTS Koen, The Court of Justice of the European Union and judicial independence, <i>Revista Română de Drept European (Comunitar)</i> 1 din 2023; GHIȚĂ Violeta Lavinia, PANC Daniela, Rejection of references for preliminary rulings by Romanian courts in recent case-law of the Court of Justice of the European Union, <i>Pandectele Române</i> 5 din 2023; GROZA Ana Maria, The denial of justice in the context of the (non-)application of European Union law. An analysis of the Spasov v. Romania case or about the contribution of the European Court of Human Rights to the application of EU law, <i>Revista Română de Drept European (Comunitar)</i> 1 din 2023; STĂNCIULESCU Andreea Ana Maria, The ultra vires doctrine: a dilemma between the principle of the supremacy of the Constitution and the principle of priority of European law. Weiss case, <i>Revista Dreptul</i> 1 din 2024; DUȚU-BUZURA Andrei, Interpretations and implications of the concept of failure to fulfil Treaty obligations in the case-law of the Court of Justice of the European Union, <i>Revista Dreptul</i> 9 din 2020			

#### 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 "PROCEDURAL INSTRUMENTS FOR THE PROTECTION OF RIGHTS 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	80%
	Logical coherence, degree of assimilation of specialized language		

10.5 Seminar/ laboratory/ project	The ability to operate with the acquired knowledge	Oral assessment during the semester	20%
	The ability to apply in practice		
10.6 Minimal performance standard			
<ul style="list-style-type: none"> <li>to prove minimal mastery of the subject;</li> <li>the oral presentation must not contain serious errors;</li> <li>minimal activity during the semester.</li> </ul>			

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 ȘARAMET
Dean	Head of Department
Lecturer PhD Oana ȘARAMET	Lecturer PhD Georgeta Bianca SPÎRCHEZ
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);
- <sup>2)</sup> Study level – choose from among: Bachelor / Master / Doctorat;
- <sup>3)</sup> 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);
- <sup>4)</sup> Course status (attendance type) – select one of the following options: CPC (compulsory course)/ EC (elective course)/ NCPC (non-compulsory course);
- <sup>5)</sup> One credit is the equivalent of 25 study hours (teaching activities and individual study).