

# Transilvania University of Braşov, Romania

## Study program: European Legislation and Judicial Careers

Faculty of Law

Study period: 2 years (master)

### 1<sup>st</sup> YEAR

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Institutions of Civil Law	CIVIL1	6	2	2	-	-

**Course description (Syllabus):** The notion, regulation and classification of civil legal acts. Capacity of legal entities of private law; Nullity of the civil legal act; The effects of the civil legal act; Modalities of ownership; Acquiring and defending the property right; Sources of obligations; Translatable civil rights contracts; Matrimonial regimes; Liberties: the donation contract and the will; The legal regime of the main testamentary provisions; Limits of inheritance right.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Institutions of Criminal Law	PENAL1	6	2	2	-	-

**Course description (Syllabus):** Criminal law and its limits of application; Principal punishments. Accessory penalties. Complementary punishments; Safety measures. Minority. Criminal liability of the legal person; Causes that remove criminal liability. Causes that remove or change the execution of the punishment. Causes that remove the consequences of the conviction; Crimes against the person and property; Crimes against justice; Crimes against public safety; Crimes affecting social life relations; ECHR case law.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Institutions of Civil Proceeding Law	PRCIV1	6	2	2	-	-

**Course description (Syllabus):** Free access to justice in the light of the fundamental principles covered by the New Civil Procedure Code; The active role of the judge in the civil process and its limits; Regulatory requirements for the right to a fair trial; Theoretical and practical aspects regarding the determination of competence according to the value of the object of the court application; Procedural Incidents Regarding Court Competence; The legal status of the nullity of procedural acts in the current civil procedural law; On civil procedure acts. Defenses in the civil process; The appeal system in the light of the new regulation.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Institutions of Criminal Proceeding Law	PRPENAL1	6	2	2	-	-

**Course description (Syllabus):** Principles and limits of the application of criminal procedural law, Criminal proceedings and civil action in criminal proceedings; Participants in the criminal trial; Preventive measures and other procedural measures; Procedural acts; Criminal Investigation; Preliminary Chamber; Judgment in first instance; Ordinary ways of attack; Outstanding ways to attack; Special Procedures; Execution of criminal decisions.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Constitutional Justice – the National and European Perspective	JUCONS1	6	2	2	-	-

**Course description (Syllabus):** Constitutional Court - general notions. Legal nature and role; Competence of the Constitutional Court; The objection of unconstitutionality; Exception of unconstitutionality; Control of the constitutionality of treaties or other international agreements - notion, procedure before the Constitutional Court; Control of Parliament's regulations; Conflicts of a constitutional nature; Control of the referendum and legislative initiative; The mandatory character of the Constitutional Court's acts; Functioning of the Constitutional Court; Constitutional justice in Western European states; Constitutional justice in the states of Central and Northern Europe; Constitutional justice in the Eastern and Southern states of the European Union; Jurisprudence on the jurisdiction of the Constitutional Court; Jurisprudence on the control of the constitutionality of laws; Jurisprudence on other forms of control exercised by the Constitutional Court.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Intellectual Property Rights and the European Patent	BREVET2	5	2	1	-	-

**Course description (Syllabus):** General considerations on intellectual creation; Copyright; Managing and protecting copyright; Industrial Property Rights; Inventions - the subject of inventor's right; The subjects of legal protection of inventions; Protection of Inventions; Rights and obligations regarding inventions; The European patent; Other objects of industrial property protection; Special contracts in the field of industrial property.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
European Protection of Human Rights	PEDO2	5	2	2	-	-

**Course description (Syllabus):** Protection of human rights. Institutions and content; Human rights in public international law and European law; European Convention on Human Rights; The European Charter of Human Rights, European systems for the protection of human rights; The judicial procedure for the European protection of human rights; Relationship between the Universal Declaration of Human Rights, the European Convention on Human Rights and the European Charter of Human Rights; Other systems for the protection of human rights; Sanctions; ECHR case law. Cases against Romania.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Academic Ethics and Integrity	ETICA2	5	2	1	-	-

**Course description (Syllabus):** Introductory aspects regarding the ethics of the legal professions. Introductory aspects regarding academic integrity. Romanian, European and international legal norms regarding the ethics of legal professions and academic integrity. The values of professional ethics and their analysis. Specific aspects of writing scientific papers in the field of law. Use of specialized legal language to explain and interpret the concepts and theories specific to the field of law. Making the correct and argued selection among several solutions that can be given to a factual situation, from the legal and moral perspective. Good reputation of the person. Relationship with the press. Independence. Legal statute of judge, prosecutor and lawyer. Particular ethical aspects for the teacher and researcher. Problems of professional ethics and deontology solved by the competent bodies of the legal professions. Particular aspects of ethics in academic writing. Particular aspects of student's ethics.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Transfer of Proceedings in Criminal Matters	TRANSFER2	5	2	2	-	-

**Course description (Syllabus):** The European Convention on the Transfer of Proceedings in Criminal Matters; Tracking competence; Trace Request; Transfer procedure; Effects of the request for prosecution in the requesting State; Effects of the prosecution application in the Requested State; Provisional measures in the Requested State; The plurality of criminal proceedings; Request for transfer of criminal proceedings. Procedure and submission of the application; Effects of transfer; Taking over of the prosecution or criminal proceedings; Provisions for the implementation of the

Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985. Application of the principle of non bis in idem.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Legislation of public procurement	ACHIZ2	5	2	1	-	-

**Course description (Syllabus):** Definition and principles underlying the administrative contract. Legal regime applicable to the administrative contract. Characteristics of the administrative contract. Categories of administrative contracts. Public and private domains. Actual rights specific to public property. Contracts of public procurement. Concession contract. Contract for the concession of public property. Public works concession contract. Service concession contract. Procedure for the award of the concession contract. Delegation of management. The lease. Emfiteosis. Sectoral contracts. Public-private partnership. Concession governed by special laws. Oil concession and mining concession. Ways to solve disputes over administrative contracts.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
European Contract Law	CONTRACT2	5	2	1	-	-

**Course description (Syllabus):** Contractual concepts in Europe; European contract law - between harmonization and systematization; Instruments in European contract law; Directive 1999/44 / EC of the European Parliament and of the Council of 25 May 1999 on certain aspects of the sale of consumer goods and associated guarantees; Council Directive 93/13 / EEC of 5 April 1993 on unfair terms in consumer contracts, Council Directive of 13 June 1990 on package travel, package holidays and package tours, Directive 2008/122 / EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, rights-of-use contracts term, as well as resale and exchange contracts; Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC; Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market; Council Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I).

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
European Humanitarian Law	UMANITAR2	5	2	1	-	-

**Course description (Syllabus):** General concepts of European humanitarian law; Sources of humanitarian law; Military hostilities and legal procedures for the protection of human rights; Launching military hostilities and establishing the state of war; Triggering military hostilities and

establishing the state of war; The legal regime of different categories of persons and goods in time of war; The status of neutrality; Restoring peace by ending belligerence; Legal regulations on the distinctive signs of protection in humanitarian law; Control of the application of humanitarian law.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Forms and Principles of EU Judicial Cooperation in Criminal Matters	COOPERARE2	5	2	1	-	-

**Course description (Syllabus):** The main legislative acts regarding judicial cooperation in criminal matters. Legislative initiative and passing of bills, procedures. Combating terrorism. Fight against corruption. Fight against cybercrime. Fight against fraud and money laundering. Extradition. Expulsion. Transfer of proceedings in criminal matters. Judicial assistance in criminal matters. Transfer of convicted persons. European arrest warrant. The principle of mutual recognition of judicial decisions. National transposition

**2<sup>nd</sup> YEAR**

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
European Business Law	ÎNTREPRIN3	8	2	2	-	-

**Course description (Syllabus):** General aspects of European Law. EU Treaties. The concept of European business law. European enterprise law. Directives and regulations. Subjects of European business law. Corporate structures. Natural persons and associations of natural persons. Advertising of acts issued by companies, at European and national level. The meanings of the publicity obligation and the sanction of its violation. European regulation of joint stock companies. Constitution, invalidity. Modification of the articles of incorporation of the joint stock company. Capital adequacy. Merger and division. Establishment, organization and functioning of the European Society (ES). Establishment, organization and functioning of the European Economic Interest Groups (EEIG). Establishment, organization and functioning of European Cooperative Companies (ECC). Cross-border procedures - merger and insolvency. Moving the headquarters of an ES. Administration of companies. Alternative systems of European and national law. Shareholding democracy. Shareholders' rights and their protection. Majority and minority abuse. The legal regime of the unipersonal society in European law. Principles of corporate governance.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
European Capital Market Law	CAPITAL3	7	2	2	-	-

**Course description (Syllabus):** Open-ended companies. European capital market regulations. The main European capital markets. General principles of the European capital markets and the codes of conduct of the European stock exchanges. The Romanian capital market - organization and fundamental notions. Bucharest Stock Exchange. AeRO secondary market. Conditions for admission to trading of shares on the two markets. Conditions for admission to trading of the bonds on the two markets. Corporate governance from the perspective of the BVB and ASF Code of Conduct. The Central Depository and the independent registry companies. Investor Compensation House

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Systems and Jurisdictional Procedures in the EU	PROCEDURI3	8	2	2	-	-

**Course description (Syllabus):** Judicial systems. EU jurisdictions; The institutional role of the CJEU; The Tribunal and its institutional role; Written and oral procedure before the CJEU; The question referred for a preliminary ruling; Statute of the European Judge; Actions before the CJEU; Judicial systems in the Member States; Mediation in the EU and in the Member States.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Law of Treaties	TRATAT3	7	2	2	-	-

**Course description (Syllabus):** The international treaty as the source of international law; The right of treaties, as a branch of international law; International Negotiation; Successive stages of the conclusion of the treaties (after negotiation); Effects of the Treaties. The principle of pacta sunt servanda. Effects on third parties; Reservations and statements to treaties. Definitions. Formal and substantive conditions; Amendments to treaties. Suspension of treaties, Nullity of treaties. Termination of treaties, Successive treaties and the issue of "fragmentation of international law"; Provisions of Romanian legislation on treaties, with special reference to Law 590/2003 on Treaties, Applying treaties in domestic law.

Course title	Code	No. of credits	Number of hours per week			
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The Dynamics of Obligations in European Law	OBLIG4	10	2	2	-	-

**Course description (Syllabus):** European codifications important in civil obligation law. 9. European Code of Obligations. UNIDROIT convention on contracts. Influence of the Convention on Romanian private law. Other sources of comparative law in the field of obligations

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Free Competition and Business Supervisors	CONCURENT4	10	2	2	-	-

**Course description (Syllabus):** European institutions with attributions in the field of competition. Competition policy history. Definition of competition; CJEU and the European Court of Auditors - attributions in the field of competition; ECB and ECOSOC - attributions in competition matters; EU competition policy; Cartels. Abuse of dominant position. Business mergers; Liberalization of markets in important areas; State aid to enterprises; Competition in the financial system; The Competition Council; Competition and consumer protection (in the area of credit); The European Competition Network.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Forensics: Modern Techniques and Methods of Criminal Investigation	TEHNICI4	10	2	2	-	-

**Course description (Syllabus):** General considerations on forensic identification; Identifying the person after the outside signs; Automatic identification system of the person after papillary impressions; Identifying people by voice and speech; Identification of the person according to the

characteristics of the iris and the retina; Identify the person after the ear and lips; Identification of the person by judicial genotyping technology; Identification of the person after the electronic signature; Identification of the weapons in dispute through ballistic expertise; Identification of the person according to documents and signature by grafoscopic expertise; Biometric identification systems of the person.

Course title	Code	No. of credits	Number of hours per week			
			course	seminar	laboratory	project
Judicial Assistance in Criminal Matters	ASISTENTA4	10	2	2	-	-

**Course description (Syllabus):** Introductory aspects regarding judicial assistance in criminal matters; the object of international judicial assistance in criminal matters; International Rogatory Commission; the object of the rogatory commission; Videoconferencing hearings; the competent judicial authorities; procedure; Other forms of judicial assistance: spontaneous transmission of information, supervised deliveries, use of undercover investigators; Joint investigation teams; Cross-border surveillance; Interception and recording of calls and communications; Identification of the proceeds and instruments of the crime; The principle of specialty; Appearance of witnesses and experts; Communication of procedural documents; Provisions for the implementation of the Schengen Agreement European order of investigation in criminal matters