

# Transilvania University of Braşov, Romania

## Study program: Advanced Private Law

### Syllabus for ERASMUS + students

Faculty of Law

Study period: 2 years (master)

#### 1<sup>st</sup> Year

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Theory of Civil Legal Act	ACT1	Romanian	8	2	2		

**Course description (Syllabus):** Classification of civil legal acts; Conditions of validity of the civil legal act - general issues; The application of civil law over time in the field of legal acts; Consent and legal will; Conditions of validity of the consent; Violations of consent; Object and cause of civil legal act; Formal requirements of the civil legal act; The modalities of the civil legal act; The effects of the civil legal act; Nullity of the civil legal act.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Corporate Law	SOCIETAR1	Romanian	8	1	2		

**Course description (Syllabus):** Establishment of commercial companies; Legal status of securities issued by commercial companies; Rights and obligations of shareholders / associates in a commercial company; General overview of the organs of society and their relations.; Functioning of the joint stock company; The operation of the limited liability company; Change of trading companies; Dissolution and liquidation of commercial companies; Commercial Company and Private International Law; Trading companies and the capital market.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Contract Law	CONTRACT1	Romanian	7	2	2		

**Course description (Syllabus):** The sales contract; Exchange contract. Supply contract; The lease. Housing contract. The lease agreement; Entrepreneurial contract; The Company Contract; Donation contract; The insurance contract. Maintenance contract; Borrowing Contract and Consumer Loan Agreement; Deposit contract; The mandate contract; The insurance contract; The Transaction Contract. Game and bet contract.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Matrimonial Regimes	FAMILIE1	Romanian	7	2	2		

**Course description (Syllabus):** The evolution of the matrimonial regime regulation in Romania; Principles of matrimonial regimes; Theoretical and practical aspects of the matrimonial convention; The primary imperative regime; Conventional amendment of the matrimonial regime; Judiciary amendment of the matrimonial regime; The legal community regime. Theoretical and practical problems regarding the legal community regime; Conventional community regime; The regime of the separation of goods; Partition of undivided common goods during the matrimonial community regimes, Enforcement within the conventional matrimonial regimes; Problems of international private law, specific to the matrimonial regimes; Aspects of European regulation regarding the choice of law applicable to the matrimonial regime.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Insolvency Law	INSOLVENTA2	Romanian	7	2	2		

**Course description (Syllabus):** Principles of insolvency proceedings; The debtor, the passive subject of the insolvency proceedings; Creditors, Active Entities of Insolvency Procedure - Categories of Receivables; Bodies applying insolvency proceedings - Judicial Administrator. Liquidator. The syndic judge. The court. Powers; Conduct of insolvency proceedings; Judicial Reorganization Phase - Reorganization Plan; Bankruptcy; Action for the annulment of fraudulent acts of the debtor; Valorisation of the debtor's assets and distribution of the amounts received to creditors; The organization and functioning of insolvency practitioners; Insolvency Prevention Procedures.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
The Legal and Testamentary Devolution of Inheritance	MOSTENIRE 2	Romanian	7	2	2		

**Course description (Syllabus):** Special rules applicable to different categories of legal heirs; Testament; The legal status of the main testamentary provisions; Limits of inheritance right; Substitutions and residual liberalities; Right of inheritance option; The transmission of the inheritance's assets and liabilities; Inheritance possession; The petition of heredity; The succession division.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Civil and Civil Processual Capacity of the Person	CAPACITATE2	Romanian	6	2	2		

**Course description (Syllabus):** Civil capacity of the individual; Sanction of non-observance of the rules of civilian capacity of the individual; Civil capacity of the legal person; Sanction of non-compliance with the rules on the legal capacity of the legal entity; Procedural capacity - civil action; Process capacity - participants in forced execution; Procedural capacity of exercise; Procedural capacity for use.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Protection of the Rights of the Child and of Other Categories of Persons	PROTECTIE 2	Romanian	6	2	2		

**Course description (Syllabus):** Introductory notions on the protection of children's rights; The principles underlying the protection of children's rights; Specific aspects of the children's fundamental rights and freedoms; Child protection through parents. The parental authority; Enforcement of the principle of the child's best interests in the exercise of parental rights according to the Civil Code; ECHR jurisprudence on the children's and parents' rights to family relations; Relation between the parents' rights to family relationships and other fundamental human rights; Alternative protection of the child lacked of parental care; Specific aspects of placement as a special protection measure of the minor; The adoption; The 1980 Hague Convention on the Civil Aspects of International Child Abduction; Protection of the psychiatric patient through the judicial interdiction; Individual's protection through guardianship.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Academic Ethics and Integrity	ETICA2	Romanian	4	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.

## 2<sup>nd</sup> Year

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Proceeding Instruments for Valorification of the Civil Rights in EU	DRCIVIL3	Romanian	8	2	2		

**Course description (Syllabus):** – Types of proceedings before the Court of Justice of the European Union; Legal instruments establishing civil procedures at European level; Relevant EU-wide measures in the field of judicial cooperation; The fundamental rights of the parties in the civil process at European level. Charter of Fundamental Rights in the EU; Proportionality-principle of European Union law; The relationship between conventional rules, European rules and national civil procedural rules; Relationship between the Court of Justice of the European Union and the ECHR. Interpretation of ECHR by the two courts; Alternative methods of dispute settlement, part of European policies to improve access to justice; International Civil Process.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Principles and Institutions of Private International Law	PRIVAT3	Romanian	8	2	2		

**Course description (Syllabus):** Introductory Aspects of Private International Law; Applying foreign law. Interpretation and application of foreign law; Removing the application of foreign law. Exceptional removal of foreign law; Fraudation of the law and public order of private international law; Recognition of rights earned abroad, National law, determination and proof of citizenship, determination and proof of habitual residence; Nationality of legal persons. Recognition of foreign legal persons in Romania; Particular issues regarding the settlement of conflicts of laws on individuals and legal entities; The specificity of resolving conflicts of family laws; The peculiarities of conflicting issues regarding different categories of goods; On the issues of conflict of laws on inheritance; Legal acts with elements of foreign affairs.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Capital Markets Law	CAPITAL3	Romanian	7	2	2		

**Course description (Syllabus):** The legal and institutional framework of the capital market. The notion, particularities and principles of the capital market as part of the financial market; Financial instruments; The control, market surveillance and regulation authority. Bucharest Stock Exchange; Participants in the capital market; Listed companies; Legal transactions with financial instruments; Public offers; Capital companies' groups.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
International Banking Law	BANCAR3	Romanian	7	2	2		

**Course description (Syllabus):** Credit institutions other than banks; Mortgage Banks; Co-operative credit organizations, Non-banking financial institutions IFN; Institutions issuing electronic money; The ESCB European banking system; Central banks, components of the ESCB; NBR, the ESCB component; Deposit Guarantee Fund - FGDB, component of the European and international banking system; European credit institutions; European Banking Reform; International sanctions in financial and banking matters.

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Execution, circulation and guarantee of obligations	OBLIGATII4	Romanian	7	2	2		

**Course description (Syllabus):** General notions of civil obligations; General notions regarding the conclusion of the contract; General notions on the effects of specific contracts; General notions of exceptions to the principle of relativity of contract effects; General notions of civil liability; General notions of legal fact; General notions of illicit legal

act; Tort law; General notions about complex obligations; General concepts of dynamics and the transmission of obligations; General notions regarding the settlement of obligations; Electronic archive of movable securities

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
The legal regime of public and private property	PROPRIETAT E4	Romanian	7	2	2		

**Course description (Syllabus):** Introductory aspects regarding the right of property. Content and characters of the right of property. The limits of the exercise of the property right. Expropriation for cause of public utility. Public property right. Notion. Object. Content. Legal features, limits and protection of the public property right. Exercise and termination of the public property right. Private property rights. Object. Subjects of private property law. Extinction of private property rights. The legal regime of immovable property privately owned. The legal modalities of the property right. Modes of acquiring the right of property. The system of land books. Defending the right of property

Course title	Code	language of instruction	No. of credits	Number of hours per week			
				course	seminar	laboratory	project
Cadastre and Land Registration	CADASTRU4	Romanian	6	2	2		

**Course description (Syllabus):** Introductory notions of cadastre and real estate publicity; Real estate publicity systems in Romanian law; The notion, object and structure of the new land books; The principles of new land books; Principle of the constitutive effect of the real rights recorded in the Land Book; Principle of priority of registrations; Entries in the new land books; Comparative law elements. Cadastre and real estate publicity in Europe, America, Australia and other countries.