

I. SUMMARY OF THE HABILITATION THESIS

This habilitation thesis presents, in a concise form, the main scientific and professional achievements of my career, as well as the projected directions for the development of my academic career. The first section opens with an overview of my scientific and professional activity, starting with my undergraduate university studies, continuing with my professional development, and addressing aspects relating to the practice of the profession. I concluded the presentation of this first section with an account of the teaching activities undertaken to date. More specifically, my scientific research activity has taken shape in the individual or co-authored preparation of university courses, distance-learning course materials, monographs, and articles published in prestigious scientific journals in the field of legal studies.

I then highlighted the scientific recognition from which I benefit as a result of the consistent publication of studies in specialist journals enjoying prestige in the legal field. This recognition has materialised in my appointment as a member of the international scientific committee of the International Conference “CKS - Challenges of the Knowledge Society”, on the editorial boards of specialist legal journals, and in the body of permanent trainers for initial professional training within the National Institute for the Training and Further Education of Lawyers, the National Institute of Notaries, and the National Institute for the Training of Insolvency Practitioners. I also addressed aspects relating to my ability to lead research teams, as well as my capacity for scientific supervision and coordination.

In terms of its substantive content, the habilitation thesis essentially reflects the course of my scientific research from the beginning of my teaching career up to the present. In my endeavour of legal analysis and research, I have focused on two principal directions. The first has been the preparation and updating of study materials for students, by which I mean the courses dedicated to undergraduate years and, in part, to master’s students. The second direction has focused on studies, articles, and manuals intended primarily for practitioners, including former students. The motivation at the initial stage is pedagogical in nature, but it develops and ultimately concludes in a markedly pragmatic approach. More precisely, I consider that academic honourability and scholastic integrity require that former students should also be provided with appropriate material after graduation, since university courses are insufficient from this perspective. In this context, I reached the conclusion that it is necessary to distinguish between the information provided to students, which must be fundamental but not overly extensive in depth or scope, not because more would not be desirable, but because the available time and the beneficiaries’ level do not permit it, and the information offered on the open market to legal professionals, who, on the one hand, possess a different level of knowledge and understanding and, on the other hand, need practical solutions more than scientific debates or descriptive and self-evident approaches. Accordingly, in my professional path I also sought to devote attention to this second approach, namely that dedicated to “my” graduates, and thus my first attempt was in the field of insolvency, under the coordination of the late Professor Stanciu D. Cărpenaru, in co-authorship with Professor Mihai Adrian Hotca. Our undertaking was very well received by the legal community, perhaps also because it was among the first approaches addressing the Insolvency Law and later the Insolvency Code, since we analysed and commented on both legislative acts. Seeing that matters were progressing well and beginning to yield results, again in collaboration with Professor Stanciu D. Cărpenaru, I also undertook an analysis of the contracts governed by the current Civil Code, both from a civil-

law and a commercial-law perspective, with Professor Liviu Stănciulescu as co-author. As regards these projects carried out in co-authorship, it should be noted that I reconfigured the first project, concerning insolvency, while the one in the field of contracts I updated with Professor Liviu Stănciulescu, and subsequently developed and supplemented with practical aspects together with Senior Lecturer Gabriela Fierbințeanu, PhD. In this way, we reached the third edition of *The Law of Civil and Commercial Contracts*, while my work in the field of insolvency continued alongside the team coordinated by Professor Radu Bufan, as co-author of the two editions of the *Treatise on Insolvency*, in which my contribution consists of “*The Bankruptcy of Insurance Companies*.” Along the same line of deepening the classical institutions of Commercial Law, I authored the monograph *Credit Instruments and Other Payment Instruments*, where, as the title itself suggests, I focused primarily on the bill of exchange, the cheque, the promissory note, and the letter of credit, both as debt instruments and as instruments of payment and security. In other words, I sought to present matters from the perspective of documents embodying sums of money, but also guaranteeing their payment, explaining the meaning and correlation of the notions of “payment instruments and security instruments”, as well as the harmful consequences they generate as a result of difficulties in enforcement. The field of company law remains an ongoing objective, since the material is already at a fairly advanced stage and does not require much more time before it can be considered ready for publication.

Returning to the scholastic/teaching component, I consider it useful also to mention the research specific to the master’s programme, within which I teach the subjects Banking Law and Insurance Law. In summary, I would note that I have succeeded in making appropriate materials available to the students enrolled in this form of education through the publication of the courses Banking Law and Insurance Law. More specifically, the principal issues specific to these subjects are presented and analysed, albeit through a somewhat intermediate approach, from a scientific perspective, by reference to the jurisprudential solutions found in the relevant case law. The premise from which I started was likewise a pragmatic one, namely that, on the one hand, these subjects are not included among the disciplines of the undergraduate programme and, on the other hand, and more importantly, they raise a multitude of practical issues of considerable complexity. It is sufficient to mention matters relating to credit agreements (within Banking Law), as well as those concerning the insurance contract in its principal and most frequently encountered forms, together with the bankruptcy of insurance companies (within Insurance Law).

In terms of structure and content, I have endeavoured to comply with the benchmark regulations governing the drafting of the habilitation thesis, by highlighting my principal contributions in the classical field of Commercial Law, addressed to students, as well as the main specific institutions examined. In the first category, I would mention the university courses intended for undergraduate and master’s students, and, in the latter area, in particular contracts, credit instruments and insolvency. To these may be added the studies published in various specialist journals and the papers delivered at the conferences in which I have participated. In relation to the latter, I sought above all to capitalise on leading doctrinal approaches and on the critical examination of relevant judicial practice, built upon the applicable legal rules. To the extent possible, I attempted a multidisciplinary analysis of the subjects researched and debated, for example by comparing them with the general law, by reference to tax legislation and tax case law, financial and credit-related connotations, and, in

some instances, even implications of a criminal-law and regulatory-offence nature. I filtered the themes discussed through the lens of my own reasoning, on the basis of which I expressed my views, made critical comments, and formulated proposals for improving the legislation and correcting judicial practice.

The second section of the habilitation thesis is devoted to the plan for the evolution and development of my professional career, setting out both the general and the specific objectives of my research, teaching development and professional advancement, particularly in the field of Commercial Law in its classical configuration (intended for students), as well as in the approaches aimed at “graduates”, especially legal practitioners, chiefly from the branch of private law.

At this point, it is necessary to emphasise the scientific research of those legal institutions which fall within both scholastic activity and the interests of practitioners concerned with this segment of the law. This nevertheless remains a priority objective of my professional path, and, with some lack of modesty, I would say that it is approaching the “green light” for commencement. This, however, only after I complete the field of company law in order to close, as I mentioned at the outset, the area of the classical institutions of Commercial Law, namely companies, contracts, credit instruments and the financial distress of operators of economic undertakings. I see elite scientific research as being carried out through the in-depth study of issues possessing both pragmatic character and practical impact, materialised in the comparative study of the world’s principal legal systems, the examination of established authors in the field, the identification of relevant jurisprudential solutions, and proposals for legislative intervention and amendment. My perspective is grounded in the undeniable reality of the globalisation of business relations, the legislative and jurisprudential federalisation of Europe, and the necessity of harmonising the Romanian legal phenomenon, in all its specific components (legislation, courts, arbitration, etc.), with European and international mechanisms and procedures.

By way of example, the following may be noted:

- the reconfiguration of public limited companies and limited liability companies, including the creation of an intermediate company form, or even the abandonment of the concept of the commercial company as a mechanism/instrument for carrying on business activities (see the “regime 28”);
- the influence of artificial intelligence on the management and adoption of marketing and managerial decisions within companies (e.g. AI company directors);
- the creation of a framework for monitoring companies operating in strategic fields (environment, health, public procurement, natural resources, etc.), companies reaching a certain turnover threshold and/or those employing a specified number of employees, taking as a model the monitoring and supervision of the financial market;
- the replacement of the concept of the contractual group with that of a “contractual arrangement” or “contractual relationship”, within which the multiplicity of contracts necessary for the completion of various isolated operations, such as a sale (which presupposes the transport of the purchased goods, insurance during carriage, the creation of security in favour of the creditor financing the transaction, etc.), would be addressed in a single arrangement incorporating all the essential aspects specific to the ancillary obligations,

possibly through the appointment of a specialist in the field (thereby increasing the role of the lawyer in the contractual mechanism), thus converting it, in certain circumstances (the complex contractual arrangement), into a genuine business instrument/title, similar to credit instruments and documents of title to goods, thereby facilitating their circulation as veritable business mechanisms;

- contractual dynamism manifested through a change in the classical perspective specific to persons as parties and goods as the derived object, and vice versa. I have in mind, for example, the “personnel leasing contract”, which, in the classical conception, relates exclusively to goods;

- the development of the concept of “early intervention” in the field of insolvency, as the principal instrument for preventing the financial collapse of the main subjects of insolvency proceedings.

I intend to capitalise on the results of the research into the proposed themes by continuing to participate in specialist conferences, where I will present them in the form of expositions of their essential theoretical and practical elements, by publishing studies in specialist journals with international visibility, and by preparing in-depth monographs.

I shall continue, as I have done until now, to combine scientific research with practical activity carried out before the courts, in domestic and international arbitration, including through participation as an arbitrator in various arbitral tribunals. On the same level, I shall continue to provide opinions both for the supreme court, in connection with the delivery of decisions in appeals in the interest of the law, and in my capacity as a legal expert before Romanian and foreign arbitral tribunals. In terms of professional research, I shall remain a lecturer/trainer at the Institute for the Training and Further Education of Lawyers, the Romanian Notarial Institute, and the Institute for the Training of Insolvency Practitioners. In the academic sphere, I shall continue to organise scientific circles, summer schools on various topics, and moot court competitions with students from faculties of law belonging to other universities. I shall also continue to be involved in organising thematic scientific conferences devoted to legislative and jurisprudential developments, as well as to the discussion of the principal legal issues with which the contemporary judicial system is confronted.

I shall make use of the identification and in-depth study of subjects of scientific interest having an impact on judicial practice at all three levels, namely undergraduate, master’s and doctoral studies. Specifically, I shall supervise students in the preparation of undergraduate dissertations, master’s dissertations and doctoral theses. I shall place particular emphasis on research within the doctoral school by selecting current and well-structured topics for promising doctoral students. Participation in various committees responsible for drafting legislative acts represents another objective of my future research, together with the preparation and submission of studies, commentaries and position papers on matters within my field of expertise.

The final part of the thesis is devoted to the bibliography, where, in alphabetical order, there are listed the treatises, course books, monographs, articles and studies, legislation and judicial practice examined for the preparation of the scientific works to which I have referred.