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HABILITATION THESIS

PROTECTION OF THE CULTURAL HERITAGE THROUGH CRIMINAL LAW

ABSTRACT

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SECTION I. CONTRIBUTIONS TO THE PROTECTION OF THE CULTURAL HERITAGE THROUGH CRIMINAL LAW

The protection of the cultural heritage through criminal law represents an accumulation of professional experience as a University professor, researcher and practitioner, as well as a prosecutor of the Public Ministry, through activities at all jurisdictional levels. This thesis exhibits pieces of relevant writing, jurisprudence syntheses and published works, it showcases development directions and personal scientific pursuits. The present synthesis is a theoretical endeavor serving as a cognitive venture of both theoretical and practical juridical approaches, in relation to the present stage of the evolution of theoretical and practical aspects of criminal sciences in the matter of national and international protection of the cultural heritage.

I am a Cluj- Napoca Law Faculty graduate, class of 1981. As of August 1981 I became a trainee lawyer at the Alba Bar and on March 1st 1982 I started as prosecutor at Alba Iulia Prosecutor's Office, moving later to the Prosecutor's Office attached to the Alba County Court (1990-1997). In the years to come I moved up in my career as a prosecutor within the Public Ministry to the position of General Prosecutor of the Prosecutor's Office attached to the Alba Iulia Court of Appeal (2001-2016) and finally to General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice (2016-2019).

Simultaneously, I developed my teaching career at the "1 Decembrie 1918" University of Alba Iulia, as an assistant professor of Criminology and Forensic Science (1992 - 1999, paid by the hour), lecturer of Criminology and Forensic Science (1999 - 2004), associate professor of Criminology and Forensic Science (2005 - 2007) and finally professor of Criminal Law - Special Part (2009 - present time), as well as semester optional courses Criminology and Criminal Science.

1. Doctoral thesis in juridical science under the title Anti-fraud investigation in the business field

In January 2004, after an in-depth research of the subject matter, numerous study trips - in EU states and the USA, I, V, Fulbright program, DOJ - considerable experience in coordinating criminal investigations (chief prosecutor of the Anticorruption Section, Criminal and Forensic Investigation within the Prosecutor's Office attached to the Supreme Justice Court, between 1998-2001), I defended the doctoral thesis tackling the *Methodology for investigating business crimes* at the Babes-Bolyai University of Cluj-Napoca.

As an interdisciplinary investigation manual for the practitioners, in a new field, the aforementioned thesis addressed the European need to investigate business related crimes (R(81) 12/25 June 1981 of the EC, the list of illegal activities related to the business crime phenomenon) and the resulting money-laundering, as well as the reform of the judiciary, a prerequisite of Romania's pre-accession to the EU.

The interdisciplinary paper aimed at studying the instruments of the criminal investigation used to identify and analyze the essential elements of this type of crimes: identifying the *active subject* (administrator, public functionary, etc.) the *participants* who were guilty of committing the actions, the *actions/inactions* stipulated by the law, the *dangerous consequences*, the *causal report*, as well as the *subelements* necessary to establish essential details of certain crimes (the place, time, method and means of committing a crime), the *official writing* pertaining to an organisation, authority, public institution or a private person after being handed over for registration to the fiscal institution. The paper also addressed important aspects of business crimes, related to the difficulty of proving the intention to disobey the law. The study shapes fraudulent intent as an internal element (*factum internum*) which can be highlighted through introspection (*exploratio animi*), but especially through the external manifestations of the perpetrator's will, which endanger or harm the economic, financial and social order. The practicing magistrate's task, in order to correctly qualify the crime, is to rigorously analyze the facts in order to identify the guilt, as stipulated by law. The perpetrators' mental manifestations, which are a reflection of the mental process where they originate, materialize through their acts (*dolus ex re*), as well as through the actions enabling the *fraudulent circulation of documents, merchandise and money*.

The paper was published under the title *The antifraud investigation in the business field*, Lumina Lex Publishing House, 2004 and 2008 editions. It comprises the judicial experience cumulated through solving big cases in which active subjects, *white collar criminals* or *cardboard millionaires* committed serious fraud also known as *set ups* or *economic and financial schemes*.

The interdisciplinary inquiry manual was used efficiently by the judicial agencies for investigating business related crimes, among which we mention crimes on the antiquities market - stimulated by the rapid emergence and development of e-commerce - generally called *crimes against the protection of the national cultural heritage*. The pursuit and repatriation of illegally stolen and exported treasures entailed a complex *international judicial cooperation*, founded upon the study and application of the *judicial instruments specific to the European criminal law*, suitable to the legislation of EU and USA partner states. The judicial agencies resorted successively to institutions stipulated by the International and European Judicial Cooperation Conventions of 1959 and 2000, the Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a member state, *UNIDROIT Convention*, *the European evidence warrant for obtaining objects, documents and data for use in proceedings in criminal matters*.

2. Applications in judicial practice

Working according to this methodology, the judicial bodies succeeded in restoring the national cultural heritage, through the repatriation of several *antique treasures* and *Koson* gold coins removed from *Sarmizegetusa Regia* archeological site. Thousands of other coins and artifacts removed from Romanian archeological sites have been retrieved and deposited in the National History Museum of Romania and other Romanian museum collections. In 2015 we retrieved the law tables removed from the *Troesmis* fortress, representing the municipal law of the roman town, the first and most important written document, pertaining to our ancestral history.

3. Research, jurisprudence analysis and proposal of legislative measures in the field of Protecting the National Cultural Heritage

In order to support the judicial activity I organized and coordinated a university team to research the judicial problems revealed in practice. The team who worked on the *Patrimonium* university project 'Research on promoting new investigative approaches and

legislative measures in the field of Protection of the National Cultural Heritage' has later on disseminated the results of the expertise. Hence, I published the first investigation methodology, the *first collections of normative acts and jurisprudence for university use, as well as practitioners: Corpus Juris Patrimonii* (editions 2006, 2007, annex).

I identified and explored the methodological investigation particularities of the crime, which require specialized knowledge of the legal field (a normative corpus including a European directive, 7 international conventions, 4 internal normative acts and over 43 normative acts related to the cultural heritage), professional training, investigative structures coordinated by a specialized prosecutor. Subsequently I clarified the research object, concentrating on *revealing the material object of the crime, the material evidence - the cultural object, which ought to be retrieved with priority*, and then the *active subjects* of the crime. The cultural object, representing the material object of the crime, through its own nature, is a unique creation of the human spirit, irreplaceable by its monetary equivalent.

The generic *juridical object* of this category of crimes is represented by the whole of social relations in relation to the protection of the national cultural heritage. It represents the cultural part of the heritage, defined in civil terms as the sum of rights and obligations pertaining to a natural or juridical person. The cultural heritage, the protected social value, is transmitted from generation to generation. It represents a materialization of cultural anthropology of ancestral human populations projected into the distant future of mankind.

The diachronic reflection of humanity on the immanent value of the cultural heritage led to the necessity of protecting it: both from a material and juridical perspective. Criminal law, as *ultima ratio* of juridical protection, incriminates the actions or inactions harming the *juridical object* represented by the social relations in connection to the protection of the cultural heritage, in their most aggravated form, either protection in a material sense, or protection in an exclusively juridical sense.

4. Organized conferences and published volumes

For the field practitioners and theoreticians, every year we organized international conferences on cooperation and exchange of good practices in the field of fighting cultural heritage crimes, followed by the publication of conference volumes, in English and French, which I coauthored alongside reputed European jurists and experts, such as J.A.E. Vervaele (University of Utrecht), G. P. Ferri (Procura di Roma, UNESCO expert), E. Oberlander-

Tarnoveanu (general director Romanian National History Museum, expert), B. Deppert-Lippitz (expert, Frankfurt am Main) and others. A few volumes are noteworthy: *Combating the Criminality against the European Archeological Heritage*, Lumina Lex Publishing House, București, 2008; *Combating the Criminality against the European Cultural Heritage*, Mega Publishing House, Cluj-Napoca, 2009; *Fight against Trafficking of Cultural Goods, Recovering the Past*, Universul Juridic Publishing House, București, 2013.

In 2018, European Year of Cultural Heritage, continuing the *Patrimonium* research project, the volume *Juridical Protection of Cultural and Natural Heritage* was published, a work dedicated to the year of the centenary, drafted in collaboration with the Legal Research Institute 'Acad. Andrei Rădulescu' of the Romanian Academy - a training manual for magistrates, police agents, as well as for specialists in the protection of the national cultural heritage.

Further research into these projects and files indicated the extent of the aggression against the Romanian archeological sites classified as historical monuments and the pressure exerted by the demand on the international antiques market, for committing new crimes. We explored and discovered the peculiarities of crimes against cultural heritage: new criminal activities, a new class of perpetrators, specialized in the cultural field, having the ability to recruit, corrupt and render dependent civil servants with responsibilities in the field of cultural heritage. I then noticed the reorientation of the traffickers' networks interest from the skilled theft from archeological sites to the valuable pieces of museum collections and bank treasures in Romania, looking for solutions to appropriate and capitalize them. Thus, the imperative need to *improve the legislation*, standardize the jurisprudence was highlighted. Also, Romanian institutions and private collectors ought to take *energetic measures, to monitor the sites, museums and collections with the most modern means*.

During the investigation I noticed that the attempt at *illegal export of cultural goods* was, surprisingly, decriminalized. Through an article published in the magazine "Dreptul" no. 8/2006 (annex) I proposed *de lege ferenda* the re-incrimination of this deed, a proposal adopted by the legislator. Frequently, I was consulted as a specialist and participated in a working group of the Ministry of Culture on the elaboration of the Cultural Heritage Code. As an expert, I was *invited to international projects* on cultural heritage protection in which I represented the Public Ministry, the University of Alba Iulia and Romania. As an example,

I mention the Project "Institutional Strengthening, Development of Secondary Legislation and Training on Mobile Cultural Heritage" - RO/06/IB/OT/03.

The investigations and scientific research carried out in the last 15 years, starting with this manual, represented a contribution to the realization of the *first national jurisprudence*, regarding the protection of the national cultural heritage, confirmed by the HCCJ. Thus, the supreme court ruled that the defendants' act of removing, from an archaeological site classified as a historical monument, artifacts discovered with the metal detector, is the crime of aggravated theft of a property that is part of cultural heritage. The supreme court also decided that movable cultural goods, from the moment of their discovery, fall into the category of treasure of the national cultural heritage, becoming, by right, public property. The quality of the artefact - of movable property belonging to the national cultural heritage - is not conditioned, according to the law, by the place of discovery nor by the form of the property right over the land¹.

With reference to the movable property, material object of the crime, accidentally discovered through works carried out in a protected archeological site, the Alba Iulia Court of Appeal decided that the deed of the defendant, manager of the installation works carried out on the streets of a commune declared archeological site, historical monument, who, taking advantage of the absence of the archaeologist supervising the work, appropriated an artifact accidentally discovered by the team who carried out the excavations, constitutes the crime of *aggravated theft of a property belonging to the cultural heritage*. The above-mentioned deed cannot constitute the crime of appropriation of the property found by or mistakenly placed with the perpetrator, nor can it be considered a contravention the failure to announce the accidental archeological discoveries or non-delivery of the good discovered by chance, within the legal term².

Regarding the *money laundering* resulting from crimes against the protection of the national cultural heritage, the jurisprudence has decided that we are in the presence of an *autonomous crime*. The *material object* of the crime is represented by the *archaeological goods* and the *sums of money* subject to the recycling process. *The material element of the objective side* includes alternative ways of committing the crime, by appropriation and illegal insertion on the legal antiques market, respectively the *exchange and transfer* by sale,

1 HCCJ, Criminal section, Dec. no. 3152/2014.

2 Alba Iulia Court of Appeal, Criminal section, Dec. no. 278/A/2015.

of goods stolen from archeological sites, knowing that they are the product of the crime of aggravated theft of objects pertaining to the national cultural heritage.

The subjective side of the money laundering offense differs from the concealment offense. Acts of exchange or transfer of cultural property must be committed knowing that it originates from the commission of crimes, with the purpose of concealing the illicit origin of such property - by attributing a *false origin as pieces of private collections* - or in order to help the person who committed the crime from which the goods originate to evade prosecution, trial or execution of the sentence; the acquisition, possession or use of goods by a person other than the active subject of the crime from which the goods originate, knowing that they come from the commission of crimes.

The *ne bis in idem* principle stated in art. 54 of the ECHR, must be interpreted, according to the jurisprudence of the CJEU, that a solution of the prosecution to terminate the criminal investigation, subject to its reopening or annulment, when no penalties have been applied, cannot be qualified as a final decision in the meaning of this article, if from the motivation of the decision it results that the procedure was closed without an effective criminal investigation.

With reference to the civil side, the court ordered the defendant to pay civil damages, consisting of expenses incurred by the Romanian State as compensation for the repatriation of the artifacts stolen, acquired and illegally transferred to the antiques market. He also *ordered the special confiscation of the proceeds of crime*: archaeological artifacts - bronze Roman law tables and a batch of Koson coins made of gold removed from sites and recycled as pieces of private collections; the money resulting from the capitalization of the stolen artifacts. The applicable instruments of international judicial cooperation in question are: the European Evidence Warrant, the UNIDROIT Convention.

The solution of terminating the criminal trial - ordered by the judicial control court - was based on the erroneous finding that the institution of the special prescription of criminal liability does not exist. According to the Decision of the Constitutional Court no. 297 / 26.04.2018, in interpreting the provisions of art. 155 para. 1 of the Penal Code, the cause of interruption of the prescription of criminal liability, consisting in the fulfillment of procedural acts, generates its effects only in the case of procedural acts which, according to the law, must be communicated to the suspect or defendant. The Romanian Constitutional Court ruled that the norm must be applied in relation to the provisions of art. 123 para. 1 of

the 1969 Penal Code, respectively that the decision of the constitutional contentious court, invoked, is in fact interpretative. The application for the future of the RCC decisions concerns the pending legal situations, those that have not become *facta praeterita* (past facts)³.

Relevant conclusions were drawn from the research conducted in the *Patrimonium* university project. Thus, at national and international level we find that in addition to increasing aggression there is also increasing sensitivity to cultural assets as values of humanity, towards promoting the concept of good faith and honoring the mandatory rules of the legal systems of the countries of origin. Strong actions are needed to strengthen security measures for the protection of monuments, museums; inventory of public and private collections, supervision of archaeological sites with high-performance equipment, updating legislation according to new methods of operation. Other necessary measures involve the allocation of resources for the protection of national cultural heritage assets, the prevention and fight against corruption among civil servants, professional training, as well as resources for the specialized service of the Romanian Police.

The significance of the repatriation of the stolen treasures is also noteworthy: the capacity of the Romanian judicial authority to cooperate at international level in this field, to use efficiently the international legal instruments in cooperating with specialized judicial authorities from EU states, as well as the USA, as well as the functionality of international legal instruments (UNIDROIT Convention, Directive 93/1993, European Evidence Warrant), including in favor of Romania.

From a methodological perspective, the objective of the investigation consists in focusing the actions on the *priority detection of the cultural good - material object for an operative recovery*, only then on the pursuit of the active subjects. The actions of the judicial agencies aim to: obtain judicial information on the offence, have knowledge of the normative framework and jurisprudence in the field, organize an interdisciplinary investigative team, to have knowledge of the main means of evidence and evidentiary procedures to be applied, respectively of their succession.

³ Alba Iulia Court of Appeal, criminal section, dec. no. 388/23 May 2019, file no. 1335/97/2017.

5. Fighting corruption in public administration.

The research revealed that without unbiased officials, corruption suppresses cultural identity and the national spirit through the loss of unique cultural assets⁴. Romania must develop effective judicial antibodies, efficient specialized services (magistrates, police officers, border and customs officials, experts) able to fight corruption in public administration, to have an in depth knowledge of the legal regime for the protection of cultural heritage.

There is a need for the activation of specialized (European) national networks, magistrates and police officers, as well as a body of auxiliary specialists, with a moral compass, to enjoy international expertise and recognition. In order to combat the phenomenon at European level, the European Public Prosecutor's Office ought to be given competence to investigate cross-border trafficking offenses⁵.

Studying by corroboration the texts of the ancient regulation of *Lex municipalis Troesmensium* - artifacts recovered with the contribution of Patrimonium research - but also similar laws in Spain, we note the importance given by the Romanian legislator, within the law, to preventive integrity and anti-corruption measures contained in the provisions - very modern and current - of the municipal laws issued 2000 years ago.

These were permeated by the *spirit of preventive integrity*, and were meant to prevent the conflict of interests between the public and private interest, by regulating incompatibilities for those who exercised public functions. Thus, the rules of municipal law exclude magistrates and their relatives in the financial affairs of the municipality, such as renting or selling common land and similar transactions (*Lex Irnitana*). *Lex Troesmensium* established that it was incompatible to send an ambassador who had performed a public magistracy and did not present an account of the acts of his mandate, acts to be approved by the council of decurions. Also, any person who had in their possession money that is the common property of the citizens of the municipality is incompatible with diplomatic missions; another incompatibility involves any person who managed, exhausted the finances or businesses of the citizens of his municipality and did not return that money to the common fund of the citizens or did not present to the decurions or did not prove the accounts.

4 Aug. Lazăr, *Crimes against the protection regime... (annex)*.

5 Aug. Lazăr, *Illicit Trafficking in Cultural Goods ... (annex)*.

The legal rules of the *Lex Troesmensium* - characterized by the spirit of integrity - severely penalize election fraud committed in one of the following ways: violation in bad faith (*dolo malo*) of legal provisions on the conditions to be met by candidates running for public magistrates (fine of 10,000 sestertes, including the nullity of the fraudulent electoral process) and multiple voting, by introducing several ballots. They sanction the falsification of electoral documents and records by reporting false results. These incriminations - surprisingly modern and current - are regulated in the provisions of art. 387 para. (1), 391 and 392 of the Criminal Code: election fraud, falsification of electoral documents and records and offenses committed in connection with a referendum.

5.1. Conflict of interest. In the context of public debates on CVM and the fight against corruption in public administration, a need has emerged to analyze the jurisprudence on conflicts of interest for civil servants in general and in the field of cultural heritage protection in particular. Thus, I have published a bilingual monograph (Romanian and English) *Conflict of interest, Theory and jurisprudence - comparative law studies*⁶. Recognizing the contribution of jurisprudence in elucidating texts on conflict of interest, the monograph comparatively analyzes Romanian and French doctrine and jurisprudence, giving criminal law theorists an updated perspective on this crime, and practitioners, an effective tool in law enforcement. The monograph reflects from a historical perspective the incrimination of the conflict of interest and its subsequent modification, and from a comparative law perspective, the constitutive content of the crime.

5.2. Similarly, the need for legal sanction - without an arbitrary value threshold - of abusive, corrupt conduct of civil servants was analyzed in the study "Point of view on regulating a value threshold of damage in the criminal rules of abuse of authority"⁷. The criminal doctrine does not discuss the need to regulate a value threshold from which the act of abuse of authority becomes a crime. The immediate consequence of the crime provided in art. 297 para. (1) Criminal Code is conditioned by the occurrence or causing of material damage to a person's assets. This means the occurrence of a material loss suffered by a

6 Aug. Lazar, Conflict of interest... (annex)

7 Aug. Lazar, Ov. Predescu, Point of view on regulating...(annex)

person, passive subject of the crime, generated by the abusive conduct of the civil servant or another person exercising a service of public interest.

Professor Gheorghită Mateuț reasoned that there should be no such threshold "because one cannot speak of a prejudice as long as there is no final judgment on the merits of the case... it is a constitutive element not only of the civil side of the criminal process... it is part of the criminal side of the case. That is why it cannot be established by law.⁸ " The examination of the criminal prosecution practice reveals that the prosecutors investigated the cases related to the offense of abuse of authority, strictly respecting the legal provisions. We have thus shown that the regulation of a value threshold for damage in the text of the crime of abuse of authority is neither necessary nor appropriate. The legislator shared this view of the Public Ministry.

6. The main research / development projects

The international project "Institutional consolidation, elaboration of secondary legislation and training regarding the Mobile Cultural Heritage and the Mobile Cultural Assets" (annex).

International project "Strengthening the operational capacity of enforcing Romanian law in the fight against economic and financial crime" (annex).

Research project (code no. 3756 of 2008), of "1 Decembrie, 1918" University of Alba Iulia, in partnership with "Babeş-Bolyai" University of Cluj-Napoca and the "Lucian Blaga" University of Sibiu: "Research on promoting new investigative approaches and legislative measures in the field of protection of the National Cultural Heritage (annex).

Within the research and development projects, we promoted an approach regarding the creation of an institutional culture for the protection of the cultural heritage in which the prosecutors benefited from specific professional training. In this context, we have created a national network of prosecutors specialized in investigating these cases.

As Attorney General, I established the scientific council of the Public Ministry and carried out a sustained activity of analysis and standardization of judicial practice by declaring appeals in the interest of the law in both criminal and civil matters, as well as by drawing conclusions in cases involving preliminary rulings by the panels for the resolution of legal issues.

⁸ See www.clujjust.ro, url accessed on July 3 2017.

In order to strengthen the operational capacity of the prosecutor's offices and develop information systems, between 2016-2019, we carried out a sustained activity of implementing programs with external financing, as a contracting authority or partner. We carried out the projects of the Operational Program for Administrative Capacity 2014-2020: “Strengthening the capacity of the Public Ministry to implement the new provisions of the criminal codes in the field of hearings” - SIPOCA 53 and “Strengthening the capacity of the Public Ministry to execute evidentiary procedures for electronic searches”- SIPOCA 54.

In accordance with Directive 2014/41/EU of the European Parliament and of the Council, on the European order of investigation in criminal matters, in the field of obtaining evidence, we have implemented the digital electronic evidence transfer system - *eEvidence System*, which will be used in all member states. During the Presidency of the EU Council, Romania was among the first states to complete the procedures for implementing the concept, using the Prosecutor’s Office attached to the HCCJ hardware platform and capitalizing on the experience of its own IT specialists, who collaborated well with EC IT specialists.

7. Teaching career

After defending my doctoral thesis in legal sciences, forensic specialization (2004), I competed and succeeded in taking the position of lecturer in order to teach the Criminology and Forensics courses. Since 2009 I have been a university professor teaching Criminal Law, the special part, as well as of the optional semestral subjects Criminology and Forensics (courses in CV).

Within the program of Master's Studies - Criminal Sciences and Forensics, I teach *Investigation of business crimes*, respectively *Forensic expertise of forgeries*. For the purpose of the aforementioned courses I published the textbooks "Anti-fraud investigation in the business field" and co-authored with Lecturer Sorin Alămoreanu the textbook entitled “*Investigation manual in the economic-financial environment*” and “*Forensic expertise of documents*” (CV, annex).

Criminal science courses are designed to be conducted interactively through the use of IT means (video projector, powerpoint), along with printed support and annual visits to the judicial agencies headquarters. Inviting Romanian and foreign experts and professors to the course, analyzing impactful cases, can explain the students' interest in these subjects.

Annually, 10-15 students are registered for the bachelor's degree, and over 10 master's students for the dissertation. Their interest is also showcased by the voluntary participation in the organization of criminal science conferences at the university since 2000.

During my teaching career I paid special attention to the national and international components in the continuous professional training and promoted principles and models favorable to the academic activity. I have developed and maintained scientific collaboration relationships with specialists, researchers and professors from European countries and the United States.

Due to my interest in the field of criminal sciences, the investigation of crimes under the protection of cultural heritage, the international relevance of teaching and research, I have received numerous invitations to speak at conferences and to hold lectures at institutions such as: UNESCO Paris and Rome, EUROJUST in Hague, University of Luxembourg, ECHR Strasbourg, Berlin Institute of Cultural Diplomacy, etc. I also mention over 35 international conferences which I attended as a speaker, moderator or organizer. For example, I attended the international conference organized on June 28, 2018 by Babeş-Bolyai University in Cluj-Napoca, within the European university project "*Confiscation des avoirs criminels dans l'Union européenne*," I presented the essay "*Instruments modernes de coopération judiciaire internationale dans la matière de la récupération des produits du crime dans l'UE. L'expérience roumaine*".

During my didactic and professional career, the whole of my activities resulted in 17 volumes (author / co-author, coordinator) published by prestigious publishing houses - of which 2 volumes, co-authored, in the Romanian Academy Publishing House, and other 2 volumes at Hard Publishing House , Oxford and ICOM Paris-, over 50 articles and studies (CV). The pioneering endeavor to investigate crimes against the national cultural heritage is reflected in documentaries, EUROJUST events⁹ and articles published in prestigious journals.

7.1. *With reference to international relevance*, as a professor of criminal sciences and leader of the Public Ministry, I represented Romania at scientific gatherings, international conferences and meetings (CV). As a European expert and prosecutor general, I had an

⁹ <http://www.eurojust.europa.eu/press/Pages/video.aspx>; Special judicial cooperation: celebrating Europe Day with the Romanian Presidency.

active role in opening the Public Ministry towards international cooperation, in the study of the regulation of the European Public Prosecutor's Office (EP), of the EU model rules of criminal procedure. As a professor, member of the Romanian Association for Research on European Criminal Law, I was invited to the European Project "Investigation and prosecution of crimes affecting the financial interests of the EU", (2010 - 2012), funded by the EC , Hercules II Program and coordinated by the University of Luxembourg.

At the end of the project, I represented Romania, at the Conference "*European Prosecutor. EU Model Rules of Criminal Procedure*", organized by the University of Luxembourg, 13-15 June 2012. The research results were published in a collective volume containing the foundation that inspired the development of the model rules of criminal procedure on EP: *Toward a Prosecutor for the European Union*, Hard Publishing House, Oxford, 2013.

I assumed - as a professor of criminal sciences and general prosecutor of Romania - the mission of taking over and actively promoting the idea of the European Public Prosecutor's Office, inspired by the institution of the International Public Ministry, proposed by Vespasian V. Pella, Romanian professor of criminal law who launched the "creative spark" in 1925. (Jean Graven, president of IAPL). Thus, in 2016, together with other EU Attorneys General, we published a letter, supporting the establishment of the EPPO, through "enhanced cooperation", respectively the agreement of at least nine Member States. The regulation was adopted by the JHA Council in October 2017, Romania being one of the 20 founding states.

On Nov. 3. 2017, at the University of Bucharest, I organized alongside Jean-Claude Marin, Attorney General of the Court of Cassation in France, the European Prosecutor's Office Conference, dedicated to the implementation of the institution. For the operationalization of the new institution, on December 13-14, 2018, in Bucharest, we organized the European Conference The Impact of the EU Regulation on the establishment of the European Public Prosecutor's Office (EPPO). The conference finalized the project "Promoting the protection of the EU's financial interests by supporting the actions of the Member States and European institutions in the transition towards a European Public Prosecutor's Office", implemented by the National Anticorruption Directorate. Co-financed by the EC through the HERCULE III Program, the project addresses the application of the

Regulation on the establishment of the EPPO and the operationalization of this new institution.

The conference was honored with the presence of participants from Romania, 21 other EU Member States - and the Republic of Moldova -, including the Director General of EAFO, the Prosecutors General of Austria and Greece, the President of the IAPL. Romania's contribution to the founding and operationalization of the EPPO is appreciated at European level.

On January 25, 2019, I participated, as guest of honor of President Guido Raimondi, in the seminar dedicated to the festive opening of the ECHR judicial year "Strengthening the trust in justice" and I presented a study on "Trust in judicial authorities in the context of judicialization of public life "(it represented the first intervention of a Romanian General Prosecutor at an annual seminar of the European Court in Strasbourg).

I recall some relevant meetings at which I represented Romania. At the Xth Reunion of the Consultative Forum of General Prosecutors of EU Member States, from 15-16 May 2018, at the Court of Cassation in Paris, representing the Public Ministry, I chaired the section "*Instruments of international judicial cooperation*" and presented Romania's contribution in international judicial cooperation for the recovery of assets belonging to cultural heritage. On November 28, 2018, I was invited by UNESCO to speak at the workshop "Judicialization of illicit trafficking in cultural goods", where I presented the essay "*Modern tools of international judicial cooperation in the field of recovery of cultural property, crime products in the EU - Romanian experience*".

By organizing scientific events, participating in national and international conferences, I responded to my professional mission to transmit and accumulate knowledge, to establish relationships and professional collaboration, intrinsic to the quality of member of the academic community. As a professor and practitioner I initiated and contributed to the organization, under the auspices of the universities of Cluj-Napoca and Alba Iulia, of three national and international conferences on the issues of education dedicated to criminal sciences and criminology: Cluj- Napoca (2004, 2005), Alba Iulia University (2009).

The events of the two universities were attended by personalities from the academic world such as: Prof. Dr. John. A.E. Vervaele from the University of Utrecht, president of IAPL, prof. Univ. dr. José Luis Cuesta from the University of San Sebastian, Spain, former president of IAPL, prof. dr. hab. Manfred Hecker - General Director of the

BundesKriminalAmt, Dr.h.c. Barbarra Deppert- Lippiz, expert, Frankfurt am Main, Dr. Pier Luigi Maria DellOsso, adj. DNA Roma etc.

7.2. *The relevance of my activity at a national level* results from the investigation of the particularities of the crimes in the business environment, including the crimes against the protection of the national cultural heritage. The investigation manuals, monographs and collections of normative acts, containing doctrine and jurisprudence, developed during research have proven their theoretical and practical effectiveness.

Acting according to the conclusions of these works, I coordinated the judicial agencies who dismantled the criminal networks and achieved the reunification of the national cultural heritage, by repatriating numerous ancient treasures and Koson gold coins removed from the archeological site *Sarmizegetusa Regia*. Thousands of other coins and artifacts stolen from Romanian archeological sites were recovered and deposited in the Treasury of the National History Museum of Romania and other Romanian museum collections. A noteworthy recovery was made in 2015, and it involved law tables stolen from the site of the Troesmis fortress. The expert report reveals that the two artifacts represent the municipal law of a Roman city, the most important written document belonging to our ancient history, originating in Romania, now available to legal researchers and archaeologists. Good practices and tools of international cooperation used for the first time for the tables' repatriation have become the subject of documentaries: "The Hunt for Transylvanian Gold" (Kogainon Films Boston)¹⁰ and "Tables from Troesmis: From the hands of thieves back to the museum" (TVR, appendix)¹¹.

In order to support the judicial activity, we organized a university team of scientific research of the legal issues arisen in practice, in partnership with the universities of Cluj-Napoca and Sibiu. The team of the *Patrimonium* university project, "*Research on promoting new investigative approaches and legislative measures in the field of protection of the National Cultural Heritage*" (annex) disseminated the research results. We published the first investigative methodology, the first collections of normative acts and NCH jurisprudence for university use and practitioners: *Corpus Juris Patrimonii*.

¹⁰ <https://vimeo.com/186456392>

¹¹ http://tvr2.tvr.ro/placile-de-la-troesmis-din-mainile-hotilor-inapoi-la-muzeu_16286.html

As a professor and general prosecutor of the PO attached to the HCCJ, I coordinated the scientific committee of the *Pro Lege* Magazine, a publication of the Public Ministry. In the context of optimizing the editorial reconstruction efforts, I succeeded in redefining and consolidating the magazine's identity in the national public space, as well as promoting it in the international judicial environment. We reconsidered the editorial model according to the requirements, managed to develop the prestige of the publication in the national academic community, by publishing materials that promote, in particular, the science of criminal law. We have also indexed the magazine in two leading international databases, as well as having it mentioned on the websites of prestigious libraries abroad. The magazine was eventually connected to the value system of the European Judicial Community.

I am currently a member of the scientific committee of the Public Ministry Magazines *Pro Lege*, *Criminology Journal*, *Criminology and Penology* and a senior editor of *Universul Juridic Magazine*.

SECTION II. CAREER EVOLUTION AND DEVELOPMENT PLANS

Strategic objectives, priorities for scientific research

1. *Developing the students' and master students' specialized skills for criminal law*, special part, tutoring them to comprehend the specificities of special criminal law, to analyze and identify criminal law norms, to correlate theoretical knowledge with practical abilities, to solve case files. I also seek to expand their attitudinal skills: cultivating a scientific environment focused on values, promoting a system of cultural, moral and civic values, etc.

2. *Develop and consolidate an interdisciplinary team* of researchers of the *Patrimonium* project, through a *human resources strategy* dedicated to young practitioners interested in specializing in crimes related to the protection of cultural heritage, corruption, money laundering, etc., continuing the action to protect the cultural heritage. Ensuring the judicial activity through scientific research, necessary for the deepening, clarifying and conceptualizing the problems at hand, standardizing the field jurisprudence.

3. The habilitation will allow the *Patrimonium* team and project to be developed in a *research center* specializing in fighting crimes in relation to the cultural heritage, money

laundering, recovery of damages and proceeds of crime, European criminal law (instruments of international judicial cooperation in criminal matters).

3.1. Within the *research center*, the priority of the studies will be the analysis of the jurisprudence and the updating of the volume *Corpus Juris Patrimonii*. The third edition will analyze in detail the *corpus of domestic normative acts* updated to international conventions and the European directive governing the field, doctrine and new jurisprudence that have emerged for their application. We will formulate *de lege ferenda* proposals to improve the normative framework. In a similar way, we will update the volume *Conflict of interest, Theory and jurisprudence - comparative law studies*.

3.2 The *research center* will ensure the consolidation of the progress made in the field of fighting crime related to the protection of cultural heritage, corruption, money laundering, etc., as well as an enhancement in the effort to *recover the damages produced by the crime and the proceeds of crime*.

3.3. *Developing the international judicial cooperation*, the capacity of the Romanian judicial authority to use international legal instruments, to cooperate internationally in this field, with specialized judicial authorities from EU and US states, as well as the functionality of international legal instruments, including in favor of Romania.

4. Developing university and institutional connections at national and international level, through creating national and European specialized research networks. In order to maintain high research standards and disseminate the results, the tradition of organizing the annual conference will continue, as will the cooperation developed at national level by the University of Alba Iulia with the Public Ministry (network of designated prosecutors), the Romanian Police (IGPR Specialized Service), the Institute of Legal Research „Acad. Andrei Rădulescu” of the Romanian Academy, The “Babeş-Bolyai” University of Cluj-Napoca, The University of Bucharest, The Romanian Association for Research on European Criminal Law etc. At international level, we will continue to cooperate with partner universities and experts UNESCO, INTERPOL, EUROPOL, etc.

I consider inviting the institutions involved in the International Project "Institutional Strengthening, Development of Secondary Legislation and Training on Mobile Cultural Heritage" - RO/06/IB/OT/03 to resume research and continue the cooperation in the Inter-ministerial Group by developing a Joint Cooperation Strategy for protection of cultural heritage, with the following priority objectives: to update the legislation in the field, to

elaborate the Cultural Heritage Code, to index monuments and art collections, to strengthen measures ensuring the security of museums, collections and archaeological sites, professional training of staff etc.