

Private International Law –

between flexibility and certainty, between freedom and pragmatism:
mater semper (in)certa est? Motherhood for another else or nobody's children.
A view from the perspective of private international law

Habilitation Dissertation

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A b s t r a c t

The habilitation dissertation expresses the synthesis of the research and teaching work that I have carried out in over 30 years of university activity. I was awarded a doctorate in law in 1996, after which, shortly afterwards, I took up the subject "Private International Law" at the Faculty of Law of the "Babeş-Bolyai" University, a subject that I still teach today.

The first part of the habilitation dissertation is dedicated to professional achievements. All scientific contributions in the field of research are detailed.

Thus, the contributions and extensive comparative law analysis are highlighted, with critical references in the field of inter-temporal private international law, international succession law, the latter materializing in the elaboration, under the aegis of the Ministry of Justice, of the *Guide to the Private International Law of Succession*, published in 2014.

The thesis also includes contributions on the formalism in private international law, including an in-depth analysis of the impact of the European regulations in this field, with particular reference to the cross-border circulation of authentic instruments and other public documents, the new issues arising in the field of statement of acceptance of succession in the context of Regulation (EU) No 650/2012, as well as the European Certificate of Succession and the impact of the national rules on land registers included in the Law on Cadastre and Real Estate Publicity (*Land Title and Survey*).

The contributions in the field of private international law in family matters are revealed both through the studies published in the Romanian Journal of Private Law and the Journal of Family Law, as well as through the participation, as guest keynote speaker, in numerous international conferences organized by prestigious European universities, such as those in Paris, Milan, Munich, Complutense de Madrid, Budapest, Exeter (UK) or international organizations of undeniable prestige: The International Union of Notaries in the European Union

(UINL), Deutsche Notar Stiftung, French and Italian Superior Council of Magistracy, etc.

Other research directions I have considered have been related to my participation as an expert and member in the scientific and coordination boards of international research grants, financed by European funding, such as the *EU Comparative Study on Authentic Instruments*, 2008 and the three-part study on the application of Regulation (EC) no. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (*Brussels II bis*) - *Study on the Application of the Brussels Ila Regulation*. Not only did I prepare the report for Romania, but also a substantial part of this study, which was intended to highlight the practices of courts and notaries in several European countries, attempting to harmonise the disagreements reflected in practice and to formulate a guide to best practice in this area.

In 2018 and 2019, I have organized two international conferences at the "Babeş-Bolyai" University Faculty of Law, addressing comparative private law and land registers, and also analysing cross-border aspects, with the participation of renowned professors, such as Prof. Dr. Dr. hc Mult. Christian von Bar (Germany) and Prof. Dr. Georg Kodek (Vienna).

The habilitation dissertation also includes comprehensive specific references to contributions published in journals or books in Romania and abroad on: the forced heirship, seen both from a national perspective and from the perspective of private international law; the enforceability of the matrimonial regimes; the international mediation in family relationships matters; the impact on Romanian law of inheritance contracts concluded in countries that recognise them; the relationship between the Brussels II bis/Brussels II ter Regulation and the Hague Convention of October 1996; the abstraction of conventional representation and the problem of the form of mandate and power of attorney; the admissibility of joint wills concluded in other countries; the issue of surrogacy; the technique of exemption clauses in private international law, the public order effects of private international law, new and complex aspects related to the institution of habitual residence, etc.

As a trainer of the Romanian Notarial Institute, I have participated in more than 50 professional seminars with notaries public from all over the country (Bucharest, Cluj, Brasov, Bacau, Tirgu-Mures, Oradea, Timisoara), where we have dealt with practical issues in the field of private international law relevant to notarial matters.

As a full member of the *European Law Institute* (ELI) and the *European Association of Private International Law* (EAPIL), I have been actively involved in the debate on their projects in the field of private international law.

As far as the teaching activity is concerned, I have described the main methods used in teaching the courses of Private International Law (undergraduate degree) and European Private International Law (master's degree), as well as other aspects of this part of my professional activity, such as: coordination of bachelor's and master's thesis, participation in doctoral thesis supervision

committees or as a member or chair of doctoral committees. I have also organised and participated in scientific sessions of student societies and ELSA conferences.

The second part of the habilitation dissertation is dedicated to professional, scientific and academic career development directions.

Thus, I have shown that I aim to intensify my research activity in the field of the science of private international law, following at least the following research directions: a) preparation of comprehensive treatises, in view of my position as coordinator of the volumes on private international law in the Treatise on Civil Law, with the distinguished Professors of the University of Bucharest, Mr. Valeriu Stoica and Mr. Marian Nicolae, as general coordinators. These include volumes dedicated to the international regime of successions, the general theory, the private international law of obligations and the cross-border insolvency law; b) continuing participation in national and international conferences to which I will be invited; c) cooperation in research teams in national and international fellowships.

In addition, I plan to keep in close contact with legal professionals (notaries, lawyers, judges, insolvency practitioners) and to contribute to the deepening and correct application in practice of this highly complex science.

In the conclusion of the habilitation dissertation, I have shown that, in the current context, especially given the widening trend of Europeanization and internationalization of this subject, the impact of the public order of private international law needs to be restricted, facilitating the cross-border recognition of legal situations arising in other countries, thus strengthening the predictability and confidence of participants in international private life.

Last but not least, new trends need to be taken into consideration, taking into account the impact of artificial intelligence, the need for its localisation and the determination of the relevant law applicable to contracts concluded with the help of AI systems, as well as the localisation of such systems from a legal liability perspective.