

**The correlation between Private International Law and International Commercial Law
– Private International Law resolves the conflict of laws, International Commercial Law
resolves the substance**

ABSTRACT

This habilitation thesis represents a synthesis of my teaching and research activities carried out throughout my academic and professional career, reflecting my contributions to the field of law, particularly in the areas of Private International Law, International Commercial Law, and the Settlement of Disputes between States and Foreign Investors. The paper aims to highlight the coherence of my scientific and teaching endeavours, as well as my vision regarding the future directions for the development of these fields within the national, European, and international legal contexts.

The structure of the thesis is organized into two fundamental parts, detailed as follows:

I. Main Professional Achievements

This first section provides a detailed overview of my academic and professional contributions, structured along two major components: research activity and teaching activity.

1. Research Activity

Research has represented a central pillar of my professional path, materialized through in-depth studies, publications, and active participation in scientific conferences.

1.1. Romanian Private International Law

Research in the field of Romanian Private International Law was deepened through the postdoctoral project “*Romanian Private International Law – from the perspective of applicable European regulations and the new Romanian Civil Code*”, carried out between 2010 and 2013. I delivered lectures within Postgraduate Programs for continuing professional training, focusing on “*Aspects of Romanian Private International Law in the context of the new Civil and Civil Procedure Codes*”. I also presented papers at international and national conferences, addressing topics such as the new regulation of Private International Law, the legal framework of Private International Law in Romania, conflict-of-law rules concerning family law, aspects of Private International Law in the New Civil Code, the applicable law to legal entities with a foreign element, as well as the traditional family with a foreign element.

1.2. International Commercial Law

The field of International Commercial Law constituted the subject of my doctoral thesis, pursued between 1997 and 2005. A key contribution in this domain is the co-authorship of the

work *“International Commercial Law Treaty. General Part and Special Part”*, which was awarded the *“Nicolae Titulescu”* Prize of the Romanian Academy in 2008. I participated in debates and conferences on specific topics, such as international sales of goods and the application of the Brussels I Bis Regulation in international commercial disputes.

1.3. Other Research Directions

My expertise in the settlement of disputes between States and foreign investors was consolidated through the initiative of introducing this discipline into the International Arbitration Master’s Program taught in English. I presented papers at relevant conferences, covering subjects such as foreign investment arbitration, potential amendments to ICSID Rules and Regulations, entities entitled to resort to ICSID for dispute settlement, and the compatibility of ICSID arbitration with European Union law.

Beyond the main fields, my research has also extended to the recognition of foreign judgments in Romania and the distinction between the recognition of foreign court judgments and foreign arbitral awards. I have actively participated in debates regarding fundamental aspects of the New Civil Code and the New Civil Procedure Code, contributing to discussions on controversial topics such as the application of Article 1271 NCC, legal assistance contracts, and gender equality in law.

2. Teaching Activity

My teaching activity, carried out as a teaching assistant, assistant lecturer, lecturer, and currently associate professor at the Faculty of Law, University of Bucharest since 1996, has been aimed at training students and law practitioners in my areas of interest.

2.1. Romanian Private International Law

At the beginning of my teaching career, I conducted seminars in Private International Law for fourth-year undergraduate students, during my tenure as teaching assistant and assistant lecturer. Upon becoming a lecturer, I have continuously taught the Romanian Private International Law course to this day. Additionally, I delivered lectures on *“Aspects of Romanian Private International Law”* within postgraduate continuing education programs.

2.2. International Commercial Law

With respect to International Commercial Law, during my time as teaching assistant and assistant lecturer, I conducted seminars for fourth-year undergraduate students, contributing to their training in understanding and applying the specific legal norms of cross-border commercial relations. Later, upon becoming a lecturer, I have continuously delivered the International Commercial Law course.

2.3. Other Aspects of Teaching Activity

I initiated and taught the discipline *“Settlement of Disputes between States and Foreign Investors”* within the International Arbitration Master’s Program in English, a significant contribution to the diversification and modernization of the academic offer.

My teaching activity has also included the supervision of numerous undergraduate and master’s theses, distance-learning teaching, and coordination of student legal practice. My teaching formation was consolidated through completing the Seminar on Teaching

Methodology of Law in Higher Education (2012) and the Pedagogy and Teaching Methodology course (1998–1999). I have also served as a member of examination boards for the legal profession.

II. Career Development Directions

This section outlines my vision for the future of academic and research work, starting from past achievements and adapting them to contemporary challenges and opportunities.

1. Research Activity

Future research will continue to focus on the interdisciplinary integration of Romanian Private International Law and International Commercial Law, emphasizing the impact of digitalization, globalization, and European reforms on conflict-of-law and substantive rules. This direction will involve participation in nationally and internationally funded research projects, publishing in ISI-indexed journals, and collaborations with European academic institutions, such as the University of Florence, where I previously conducted research. Studies will address emerging challenges, such as the application of Regulation (EU) No. 2022/2065 (Digital Services Act) in the cross-border context, ensuring a rigorous comparative analysis between Romanian and continental legal systems.

1.1. Romanian Private International Law

Future research in Romanian Private International Law will focus on the application of conflict-of-law rules, especially in matters of characterization and renvoi, under Book VII of the Romanian Civil Code (Articles 2557–2663), in the field of emerging technologies such as artificial intelligence and blockchain. Studies will analyse the case law of the Court of Justice of the European Union (CJEU) and propose revisions to Book VII of the Civil Procedure Code for alignment with Regulation (EU) No. 1215/2012 (Brussels I bis).

1.2. International Commercial Law

In International Commercial Law, research will explore new contractual forms in cross-border e-commerce, as well as the interaction between cross-border e-commerce and classical legal instruments such as the United Nations Convention on Contracts for the International Sale of Goods (CISG, 1980). Future contributions will include a critical analysis of ICSID case law in recent cases such as *Discovery Global LLC v. Slovak Republic (ICSID Case No. ARB/21/51)* or *Magyar Farming Company Ltd, Kintyre Kft and Inicia Zrt v. Hungary (ICSID Case No. ARB/17/27)*, emphasizing, where relevant, the impact of CJEU case law (*C-284/16 – Achmea*) on arbitral awards.

1.3. Other Research Directions

Other research directions will extend to the settlement of disputes between States and foreign investors, focusing on the 2022 ICSID investment arbitration reform and its compatibility with EU law. I also plan to analyse the role of conciliation in disputes under the revised ICSID Rules (2022), and intersections with Competition Law, including the application

of Articles 101–102 TFEU in cross-border investment disputes, in light of Case C-284/16 – Achmea.

Research will also extend to the intersection of Private Law with Public Law in the context of increasing cross-border trade in general, and electronic commerce in particular, addressing interdisciplinary topics. I intend to initiate and participate in externally funded research projects, thereby strengthening the visibility and impact of Romanian legal research internationally.

2. Teaching Activity

In teaching, I will continue to refine pedagogical methods and adapt curricula to labor market demands and legal developments. Future teaching will prioritize pedagogical innovation, integrating interactive methods such as trial simulations and case studies based on real jurisprudence, in order to align curricula with the requirements of the European labor market.

2.1. Romanian Private International Law

I will continue to develop new course modules focused on practical aspects and case studies in Private International Law, to facilitate better student understanding. I will also integrate elements of comparative and European law into teaching, to provide a broader and more up-to-date perspective. For example, in Romanian Private International Law, curricula will be developed through practical modules based on national and European case law regarding the application of the Rome I–III Regulations or Regulation 650/2012. Teaching will integrate comparative elements with European law and will include mock trials on topics such as applicable law to contractual (Rome I) and non-contractual (Rome II) obligations.

I intend to continue supervising master’s theses and to begin supervising doctoral dissertations, aiming to mentor at least five PhD candidates in the coming years, with a focus on empirical research on the recognition and enforcement of foreign judgments.

2.2. International Commercial Law

I will implement innovative teaching methods, such as mock arbitrations under ICSID rules and practical workshops, as well as analyses of arbitral case law. I will ensure continuous updates of teaching materials to reflect the latest legislative and commercial developments.

The curriculum will be updated annually to reflect international legislative developments such as EU Free Trade Agreements, integrating practical sessions on international contract negotiation. Teaching will continue at undergraduate and master’s level, with supervision of theses and dissertations, aiming to publish student research in academic journals. Furthermore, I will explore the creation of a hybrid online course for distance-learning students.

2.3. Other Aspects of Teaching Activity

Other aspects will include expanding teaching in English for the discipline “*Settlement of Disputes between States and Traders of Foreign Nationalities*” within the International Arbitration Master’s Program, integrating recent ICSID cases such as *Desarrollo Vial De Los Andes S.A.C. v. Peru (ICSID Case No. ARB/20/18)*, *Rasia FZE and Joseph K. Borkowski v.*

Republic of Armenia (ICSID Case No. ARB/18/28), Pawlowski AG and Project Sever s.r.o. v. Czech Republic (ICSID Case No. ARB/17/11). Mentorship programs and legal clinics for students will be initiated, focused on legal practice in investment disputes conducted under the Washington Convention (1965).

Participation in evaluation committees, such as those for undergraduate and master's programs, will continue, alongside continuous professional development through teaching seminars, ensuring an interdisciplinary approach with other private law disciplines.

This habilitation thesis is not only a retrospective of achievements but also a platform for projecting my future commitment to academic excellence, research, and education in the field of law.