

## **THESIS EMPOWERMENT**

### **“NATIONAL LAW IN THE EUROPEAN LEGAL REQUIREMENTS”**

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#### **ABSTRACT**

#### **PART I SCIENTIFIC ACHIEVEMENTS, PROFESSIONAL AND ACADEMIC**

##### **1. Scientific Achievements. Background of research**

###### ***1.1. Thesis***

In 2000 I publicly supported the thesis with the title, "the European Union's institutional system" under the direction of Mrs. prof. Dr. Dumitra Smith, researcher at the Institute for Legal Research of the Romanian Academy .

Following the public presentation of my PhD thesis was awarded the title, in " Doctor," Law with honors, Magna Cum Laude."

Based on the Minister of Education and Research. 4209 of 20.07. 2000 I was awarded a Ph.D, Series A no. 0004766 of 26.07.2000.

###### ***1.2. Publication of books and articles***

After obtaining a doctoral degree in law, we presented / published at home and abroad papers in Romanian, French and English.

After supporting the thesis (during 2000-2013) have published 26 papers, including 13 as sole author and 13 as co-author or authors coordination.

Published works were significant scientific contributions in the fields of private international law, European Community law, the legal protection of human rights. Books have been published by recognized country (eg: Universe Publishing Legal, Lumina Lex Publishing University Publishing Pro Universitaria, etc).

Also in the same period have published over 80 articles in journals in Law - Magazine of commercial law - 40 items - Lumina Lex, (in 2006 I was appointed principal collaborator of the magazine - Magazine "books as International "(CNCSIS in the category B plus) - 10 articles, from 2008 part of the editorial board of this journal. - Review of Community law - 4 items - Review of employment - Publishing Triton - 4 articles - magazine "Pro Patria Lex" - Legal Publishing House - 10 articles (since 2005 part of the editorial board of the magazine, and in 2011 is editor in chief of this magazine) crime investigative journal, Annals of Constantin Brancusi - Section Legal, Acta Universitatis Danubius, etc.

Scientific contribution has resulted in the publication of studies in different collections of legal studies and courses - eight collections of legal education.

Given the context of national and European institutional transformations and the Romanian legal system need to meet European requirements, my research was focused on

adapting my certificate legislation. Books, studies and articles that we have published or presented at conferences and scientific sessions, contributed to the affirmation of the European dimension of Romanian legislation and familiarizing students and the interested public with the rules and principles of European Union law.

### ***1.3. Scientific research***

As membership coordinator or project research, I tried to apply theoretical knowledge in practice, in order to implement EU regulations in specific areas of national law. The results of their professional and academic legal research have resulted in the initiation and coordination of a master's program in European and international relations "International Relations and European programs" developed in the Department of Masters-Doctorate Police Academy "Alexandru Ioan Cuza".

### ***1.4. Participation in national and international conferences***

- Between 2000-2013 I held numerous scientific papers in national scientific conferences held in the Police Academy, University of Bucharest, National Institute of Information, Romanian Institute for Human Rights, Legal Research Institute of the Romanian Academy, the University "Constantin Brancusi" Hyperion University, etc..

- I participated in international conferences abroad, for example (eg Council of Europe Conference in Budapest - 2000 Conference PRAVDA DNY-2009 DAYS OF LAW "Masarykova UNIVERZITA, 2009 -" 1st International Conference on Sustainable Business and Transitions for Sustainable Development", Selcuk University, Faculty of Economics and Administrative Sciences, Opole University - Faculty of Economics, Acsechir - Faculty of Economics and Administrative Sciences, Konya TURKEY, October 11 to 13. 2012 conference of Democratic Jurists - ECOSOC on combating terrorism importiva - Paris 2010).

- We have also participated in international conferences held in the country in partnership with universities abroad, such as: Univ. Constantin Brancusi - Tg. Jiu Danubius University, Sibiu Army Academy, Police Academy, etc.

## **2. Professional Achievements**

### ***2.1. Professional prestige***

Published works have received professional recognition from lawyers and experts in EU law and private international law.

\* In this respect, mention that yours truly published works were quoted or bibliographic material indicated that the works published by recognized authorities in the field nationally and internationally, such as: - Prof. PhD Ion Anghel - Prof. PhD Dumitru Mazilu - Prof. PhD Victor Duculescu - Prof. PhD Augustin Fuerea - Prof. PhD Mariana Mihaila - Associate Ph.D. Gheorghe Iancu - Associate Professor Paul Duta, etc.

Also works were published by yours truly appreciated bibliographic material for the preparation of a doctoral thesis and the dissertation prepared by master and diploma works by students.

References to the undersigned works can be found on sites in the country and overseas sites.

## ***2.2. Membership in organizations / professional colleges***

I am a member in several professional organizations and editorial colleagues, as follows:

- Member of the Association des experts européens agréés (AEXEA), Paris, France, a founding member of the Romanian European Law - Expert ARACIS - law - in 2008;
- Founding Member of the Romanian Society of European Law, (member of Board of Directors) - 2010;
- Member of the editorial board of the Journal of International Law books, Resita, 2007;
- Member of the editorial board of the Journal of procedural law - Univ. Petru Maior - Tg in 2009;
- Member of the Scientific Board of the Journal "Acta Universitatis Danubius", Galați, 2010 - 2012;
- Member of the Scientific Board of the "Journal of investigation of crime" (Universe Publishing Law) - in 2012;
- Editor - Journal of Legal Studies and Research "Pro Patria Lex" (Universe Publishing Law) - in 2012;
- Member of the Scientific Board of the Romanian Journal of Geopolitics and International Relations - Pro Universitaria Publishing House, 2012;
- Member of the Scientific Board of the magazine "Journal of European studies and international relations" - Pro Universitaria Publishing House, 2012;
- Contributor main Commercial Law Review, 2006-2013;
- Member of the Bucharest Bar - 1992;
- Member of the International Police Association - in 2000.
- Member of the Union of Jurists of Romania;

## ***2.3. Member of the committee in the interest of education***

a) Member ARACIS - 2009: In this capacity, I participated in evaluations of courses bachelor / master in the University "Constantin Brancusi" - Miami and North University Baia Mare.

b) I participated in the commission of obtaining academic degrees lecturer / professor at the Police Academy, "Spiru Haret" University Hyperion, University of Targoviste.

c) I also participated as an official reviewer for over 30 commissions for obtaining scientific title of Doctor of Laws at the Police Academy.

## ***2.4. Medals, titles, honors***

- 2008 - Special Prize of the Union of Jurists of Romania for his "European Union Law Treaty" Lumina Lex Publishing House, 2008;

- 2010 - Award "Victor Ducelescu" by Union of Jurists for his "European Union law on economic policies," Legal Publishing House, 2010;

- 2012 - Award "Tudor Popescu/2010" awarded by the Academy of Scientists from Romania to work "law EU economic policy," Legal Publishing House, 2010;

### 3. Academic Achievements

#### 3.1. Teaching

##### 3.1.1. Teaching positions filled

I have a total length of 30 years in teaching, as follows:

- 1978-1992 - teacher in secondary education;
- University professor - in the period 1992-2008 - occupying positions of junior, assistant, lecturer and professor at the subjects' private international law 'and' European Community law " .

##### 3.1.2. Activities and methodology used

As a university professor I conducted the following activities, as listed in the job description:

- Lectures delivered daily courses in the two disciplines of certified;
- Seminars in which we focused on the practical side, for a better understanding by students of information transmitted in the lectures;
- Lectures in courses Masters "Contemporary Public Administration ' , International law and European law", "Management of public order and national security" subject "Community law";
- The educational activities undertaken by the group as a guide, for example, practical work in the courts, themed tours, etc..
- Analysis of the thesis, as head of department and official reviewer.

In teaching we use modern teaching methods in order to stimulate the students to actively participate in the activities. In this respect, mention the following methods:

- Conversation heuristic method;
- Role play method (in which students played the roles of police, prosecutors or judges, to target particular case of private international law);
- Case study (in which students had to capture the essential elements of legal phenomena);
- The method of scientific competition (by launching a topic in which students investigate some aspects).
- I have initiated activities psycho-pedagogical knowledge to students, in order to adapt training to psychosocial characteristics thereof;

##### 3.1.3. Further reading

I was constantly concerned with knowledge of legislative changes in the field correctly informing students of applicable regulations of the two fields of law;

- I studied the current publications of the authors of national and international literature on Community law and private international law;

- I developed an intense publishing activity in EU law and private international law. Through published works, we have provided students a rich bibliographic material, they came to support the compilation work degree;

##### 3.1.4. Coordinator master course "International Relations and European programs"

The results of their professional and academic legal research have resulted in the initiation of a master's program in international relations - in coordinating this masters course "International Relations and European programs."

### ***3.2. Functions and university degrees***

Since 1992 until now I have held teaching in the Faculty of Police - Police Academy "Alexandru Ioan Cuza" as titular teacher, as follows: - 1992 to 1995 - Assistant Professor - 1995 to 1998 - Assistant Professor - 1998 - 2004 - Lecturer - 2004-2008 - Associate Professor - since 2008 - professor.

Alongside teaching deploy and intense administrative activity within the Faculty of Police, holding the last 7 years as Director of the Department of Public Law. As director of the department have conducted professional development programs and scientific research with teachers in the composition department.

## **PART II EVOLUTION AND DEVELOPMENT PLANS CAREER, SCIENTIFIC AND ACADEMIC**

### **1. Developing scientific career**

Scientific research is an essential component for developing teaching career. Career scientific research involves a constant.

Research areas in which I have been involved so far, such as those of: private international law, EU law and the legal protection of human rights and henceforth will be a priority.

Diversifying the overall presentation of the law, the legal system adapt to developments in social, political and historical, implies the need for an interdisciplinary approach to law.

Legal phenomenon is a complex phenomenon, which is in a continuous dynamic, implying permanent research of provision thereof, the solutions that are to be adopted nationally and internationally.

#### ***1.1. Continue publishing activity - Areas of Interest***

I intend to publish constantly, both in national magazines and in international journals, international publications and international languages to make their ideas Romanian school and legal thinking.

Adaptation of national law to European legal requirements provides a wealth of research topics on which the authors do not express viewpoints unit.

##### ***1.1.1. Private International Law***

Globalization generates complex changes in the scope of the law, distorting national legal systems ability to perform a specific set appropriate regulatory requirements, national. Internationally there is a trend to develop common rules on the way conventions in international organizations to facilitate resolution of conflicts of law rules of private international law.

I appreciate the way that common regulations adopted international conventions have a positive effect to the extent that each Member State concerned may decide on the application within its territory of international legal norms.

This trend is the use of uniform substantive rules regulating legal relations with foreign element. Today we find the existence of growing concern from international organizations to provide common rules, applicable to several states in specific areas of private international law.

Such concern has positive practical effects so long as the principles of public international law, first national sovereignty of states.

Private international law is in the process of restructuring in the context of entry into force of the Civil Code and the Code of Civil Procedure which repealed Law no. 105/1992 on regulating legal relations of private international law.

### *1.1.2. Relationship between national law and EU law*

European Union law is a new branch of law, drawn from public international law. European Union law is presented as a separate legal order both the national law of the Member States and to the legal order of international law.

European Union law, the autonomous system of law to be applicable, it must be integrated into the national law of the Member States. This integration requires him to be part of the national law of each EU Member State, so to apply directly. The direct applicability of EU law requires that a basic principle, which results in a second principle related to the hierarchy of the two systems, consisting of priority (primacy) of EU law over national law.

Given that private international law is a set of legal rules mainly with national, analyze the relationship between EU law and private international law resulting from the analysis of the relationship between European Community law and the national law of the Member States as a whole.

National law of all Member States must be in full compliance with EU law, regardless of the internal hierarchy of rules.

The state can not even invoke its constitutional provisions do not apply to a Community rule.

In judicial practice may appear contradictory situation in which national judges are tempted to apply national provisions - and the Judges of the Court does not have the legal texts to cancel these decisions contrary to EU law. It was thus held that the act of a State not remove devices against legislation to Community law constitutes an infringement of the Community. Action for failure does not lead to the invalidation of inconsistent domestic legal rules, but only to order the State to take the measures that are necessary to bring situation.

The principle of the direct applicability of EU law has implications for both the Member States and on individuals and national judges.

- Member States are put in a position of being unable to change the provisions that are addressed, and these binding for those states (obviously taking into account the category that legal rules as they have been discussed above).

- Individuals entitled to invoke whenever the domestic legal order of the European Union law, the conditions stipulated by the said rules.

- National judges are obliged to apply EU law, but when judges are faced with a situation that requires establishing internal competence will apply to each state. If the national court asks an appeal prejudicial, the Court may indicate its points of law on which to resolve the case.

Next, I will be concerned with the deepening research on the application of EU law into national law, and the support of lectures on the substantive law of the European Union.

### *1.1.3. Legal Protection of Human Rights*

The issue of human rights has gained wide recognition and affirmation in recent decades because of its moral content and the fundamental values on which it is based. Respect for human rights has now become a true "barometer" measuring democratic legitimacy of governments, the programs of political parties, the concerns of organizations that are present in society.

Numerous international documents have established over time respect for human rights, basing them as principles of absolute generality.

National and international legal framework includes provisions that allow plenary manifestation of fundamental human rights. Also, both nationally and internationally, they constitute the institutional safeguards that ensure proper application of the rules adopted in the field.

Invoking the fundamental human rights is the last "stronghold" for which everyone should strive for recognition, but this requires information on the legal and institutional protection.

Beyond knowledge and human rights, comes the need to promote information on the legal protection of fundamental human rights.

This task falls lawyers, professors, specialists in the field and researchers have proposed to analyze fundamental human rights issues both from the theoretical and practical aspect.

Regarding the actual realization of fundamental human rights, it must coordinate the efforts of legal political factor. It is incumbent on policymakers to adopt the most appropriate regulations for guaranteeing fundamental human rights, based on the analysis of the political realities specific historical periods, while legal factor task and to correlate and interpret internal and international regulations to achieve effective protection, the universal, fundamental human rights.

At the national level - human rights became a central element of all national policies given the quality Romanian member of the international and European structures that promote fundamental rights.

From this aspect, national concerns were considered adopting appropriate legislation, the creation of a proper institutional and procedural mechanisms to protect human rights.

The whole legislative assembly, since the Constitution is based on the protection of fundamental human rights as supreme values to be protected.

In a democratic society, in charge of law enforcement bodies perform three main functions:

- Protection of human rights, as they are set forth in the Constitution and other laws;
- Intervention in defense of human rights;
- Protection of public order and national security.

The police, as part of the national institutional - have an important role in the implementation and observance of fundamental human rights.

The primary objective of police is to enforce the law, any law the main stan respect for fundamental human rights.

Police's responsibility to promote knowledge and application of international legal instruments and national legislative provisions relating to the rights and fundamental freedoms.

Respect for human rights by police leading to improvement and efficiency actions for solving and preventing crime and maintaining public order. In this respect, respect for human rights by the police is practically a requirement in law enforcement.

### ***1.2. Participation in national and international conferences***

In the future I plan to diversify the forms of cooperation with higher education institutions nationally and internationally, as follows:- Participation in conferences, various educational projects;- Participation as a member of various committees in the interest of higher education law;- Participation in academic fairs;- Organizing book launches and other scientific meetings.

## **2. Career Development**

### ***Membership in organizations / professional colleges***

Adoption of legal rules was subject throughout the time of national economic interest, political, social and historical state. New realities require adopting the legal dynamics research and research how these legal rules correspond to the general interests of society. In this regard, I intend to work more closely with colleagues from other universities, to participate in as many legal activities organized both nationally and internationally, to confrontation of views on the dynamics of law and the right way national meet national legal requirements.

## **3. Academic Career Development**

### ***3.1. University Academic***

Next I plan to continue professional development in law and in particular, in public law.

In teaching I intend to use modern teaching methods in order to stimulate the students, master and doctoral students to participate actively in the activities.

I will be constantly concerned with knowledge of legislative changes in the field correctly informing students of applicable regulations of the two fields of law, also will continue to study current publications of the authors of national and international literature on Community law and international law private.

When dealing with students / master will pursue:

- Synchronizing offer curricula of educational institutions specialized in training future police / legal;
- Activation of communicating with students more effectively to attract them to various professional activities extracurricular, cultural, civic, etc.;
- Efficient use of electronic communication platform to transmit business information, extracurricular, cultural, civic, etc, in accordance with the principle of transparency and access to information;
- Helping promote student journals;

### ***3.2. Coordination of research initiated by the MA / PhD students***

I appreciate all the professional experience and scientific contributions to allow me to coordinate research activities of master / doctoral training in the areas of the undersigned.

The quality of doctoral supervisor gives me the opportunity to share teaching experience gained in 35 years of teaching career.

Teaching career of the undersigned was performed in a bottom-up process, structured on three levels of training:

- Initially, we conducted during 1978-1992 teaching in secondary education as a teacher, teaching all grades achieving educational backgrounds of 8.50, 9 and 10.
- Since 1992 we began an academic career, holding the line, grades of junior staff, assistant lecturer and professor;
- Since 2007, the quality - first lecturer and later professor, teaching activities have developed programs masters or doctoral committees referent, earning graduate teaching experience necessary guidance activities.

I believe that professional maturity and level of training allow me to contribute to the development of postgraduate training - through doctoral - specialists in the legal field.

**Prof.univ.dr NICOLETA DIACONU**