

ECOLOGICAL UNIVERSITY OF BUCHAREST
Doctoral Studies Organizing Institution (IOSUD)
DOCTORAL SCHOOL OF LAW

SUMMARY OF THE HABILITATION THESIS
Field of the habilitation thesis
LAW

Candidate:
Assoc. Prof. PhD Elise Nicoleta Vâlcu

BUCHAREST
2026

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HABILITATION THESIS :
COMMERCIAL LAW:
BETWEEN THE EFFERVESCENCE OF REGULATION, THE
CHALLENGES OF THE MARKET AND THE IMPERATIVE OF
INNOVATION

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I. Academic, Professional, and Scientific Achievements

The habilitation thesis entitled *Commercial Law: Between the Effervescence of Regulation, the Challenges of the Market and the Imperative of Innovation* presents the most relevant academic, professional, and scientific achievements attained after the award, on 15 October 2007, of the doctoral degree in Law, specialising in Commercial Law, granted by Order of the Minister of Education, Research and Youth no. 2398 of 15 October 2007.

The thesis is structured into two parts. The first part highlights the results achieved in the academic, professional, and scientific fields, while the second part is devoted to outlining the directions for the evolution and development of the author's academic, professional, and scientific career.

I.1. Academic Achievements

The first chapter of Part I highlights the fact that I began my teaching career within the Faculty of Economic Sciences and Law, University of Pitești (currently the National University of Science and Technology POLITEHNICA Bucharest), maintaining a professional trajectory that was gradually consolidated up to the rank of Associate Professor.

From the very beginning of my academic career, I have been active in the fields of commercial law, international trade law, and European Union law—areas belonging to different branches of law, namely private law and public law, which, when approached in an integrated manner, have provided a solid interdisciplinary foundation for my subsequent academic consolidation in the field of private law. Thus, starting in 2002, I have carried out teaching and seminar activities as course holder in the following subjects: (a) *Commercial Law, International Trade Law, Introduction to European Union Substantive Law, and European Union Law. General Part*—within the Bachelor's degree programme in Law, both full-time and part-time formats; (b) *Commercial Law*—within the Bachelor's degree programme in Public Administration; (c) *European Institutions and Policies*—within the Master's degree programme in Public Administration and European Integration.

During the 2025–2026 academic year, the courses included in my teaching portfolio are *Commercial Law, International Trade Law, and Introduction to European Union Substantive Law*, delivered within the Bachelor's degree programme in Law.

In order to meet the standards of legal education, lectures and seminars have been designed as interactive learning environments, within which I have focused on developing students' ability to work with abstract legal concepts and to translate them into concrete legal solutions.

This chapter also provides information about other academic activities, including: guiding students in the development and defense of their Bachelor's theses; coordinating students in student scientific communication sessions; participating in competition committees for teaching positions, but also in organizing the international conference "*European Union's History, Culture and Citizenship*", hosted by the Faculty of Economic Sciences and Law, Pitești University Centre, within the National University of Science and Technology POLITEHNICA Bucharest. Within this framework, I have been and continue to be a member of the scientific and organising committees, as well as a plenary or section moderator.

Throughout my academic career, I have consistently participated in national and international debates and conferences, delivering over 30 lectures as an invited speaker.

Since 2008, I have been involved in numerous national and international research projects and grants, my participation as a member encompassing a wide range of activities: the preparation of scientific studies, the development of teaching materials, course delivery, the organisation and moderation of conferences, the presentation of lectures subsequently published in prestigious journals or conference proceedings, as well as educational research activities and training programmes for practitioners in the judicial professions. In this regard, I mention the following projects by way of example: the Jean Monnet Module 2 Research Project/Grant, entitled *History of the European Idea, Civilization and Construction*, Ref. no. 07/0120, Agreement no. 2007-1400/001-001 JEA-JECHA; the LLP/Erasmus Intensive Programme entitled *Stability and Security for European Sustainable Development (SSESD)*, Reference no. 50387-IC-1-2007-1 RO-ERASMUS-EUCX-1; MAJMIN – Major Competencies to Manage Minor Offenders, an LLP/Leonardo da Vinci – Development of Innovation Multilateral Project, Ref. no. 517580-LLP-1-2011-1-RO-LEONARDO-LMP; and *EC Competition Law and Its Enforcement in National Jurisdictions: Policy Issues, Case Law and Compliance (COMPETA)*, a project focused on the training of national judges in EU competition law and judicial cooperation, Ref. no. SI2.540074 – HT 1460 “Training for Judges”.

In addition, I have coordinated collective volumes published by internationally recognised academic publishers in the field of legal sciences, namely: (a) Editor/Coordinator of the collective volume *Droit international et intégration européenne. Perspectives de l'Europe centrale et orientale*, published by L'Harmattan, Paris, 2025; and (b) Section Editor for *Digital Rights and Principles – Guarantees of Union Values but Also Challenges for Democratic Societies*, within the collection *Encyclopaedia of Contemporary Constitutionalism* (eds. J. Cremades, C. Hermida), published by Springer, an internationally prestigious reference work in legal studies.

I.2 Professional Achievements

The second chapter of Part I addresses professional achievements.

As recognition of the professional standing I enjoy, I have been invited to serve on the editorial boards or scientific committees of several journals recognised in the field of legal sciences. Accordingly, I am a member of the editorial board of the *Legal and Administrative Studies Journal*, a member of the Scientific Committee of the *Research and Sciences Today Journal*, a member of the editorial board of the *Romanian Journal of Banking and Financial Law*, and a member of the editorial board of the *International Journal of Law and Society*.

Another component of my professional activity concerns my membership in various national and international scientific and professional associations, following invitations received from their representative governing bodies. By way of example, I am a member of the Romanian Society of European Law (SRDE), which is part of the International Federation for European Law (FIDE), as well as a member of the Association for Juridical and Administrative Sciences ADJURIS22. At the international level, I also hold membership in the following scholarly societies and institutions: *the European Society of International Law (ESIL)*, *the European Law*

Institute (ELI), and the Réseau académique sur la Charte sociale européenne et les droits sociaux.

Further recognition of my professional activity is reflected in the fact that the scientific works authored or co-authored by me are frequently cited by other scholars in treatises, textbooks, journal articles, and other specialised publications issued in Romania and abroad, indexed in internationally recognised databases in the field of legal sciences or published by prestigious academic publishing houses.

Among my professional achievements is also the fact that, starting in 2008, based on Decision no. 129/16 July 2008, I became a member of *the Argeş Bar Association*, within the National Union of Bar Associations of Romania (membership currently suspended upon request). Moreover, since the autumn of 2024, I have served as an arbitrator within the Commercial Arbitration Court attached to the Argeş Chamber of Commerce, Industry and Agriculture.

I.3. Scientific Achievements in the Main Field of Research – Commercial Law

The third chapter of the first part addresses the scientific achievements. My scientific research activity has materialised in the publication of 16 textbooks and monographs, 13 of which were published after obtaining the doctoral degree, including four works authored as sole author in the field of commercial law. In addition, my scientific portfolio includes 60 articles published in specialised journals, as well as over 30 studies in collective volumes and conference papers presented at national and international scientific events in Romania and abroad. The journals in which these articles have been published are indexed in Web of Science (WoS), SCOPUS, or other recognised international databases, including, by way of example: *Cadernos de Dereito Actual*, *Juridical Tribune – Review of Comparative and International Law*, *Journal of Agricultural and Environmental Law (JAEL)*, *Pandectele Române*, *Athens Journal of Law*, *Revista Română de Dreptul Afacerilor (RRDA)*, *International Investment Law Journal*, *International Journal of Legal and Social Order – Law Section*, *Fiat Iustitia*, and *Perspectives of Law and Public Administration etc.*

The interpenetration of commercial law and European Union law has represented a natural process in the context of Romania's accession to the European Union, from which point onward the incorporation of the EU *acquis* has become a constant of national legislative activity. This context has offered the academic community an opportunity to approach commercial law from a different perspective, structured along a *genus proximum–specific difference* analytical framework, oscillating between European Union legislation in the established areas of commercial law and the national legislation implementing or applying it.

Consequently, adaptation to the new status of European Union membership has entailed multiple legislative challenges, materialised through the implementation of a corpus of harmonised norms arising from the direct application of EU regulations and the transposition of EU directives. These developments have had a significant impact on the field of commercial law and, implicitly, on obligation-based legal relationships involving professional traders.

Another turning point for commercial law has been the rapid evolution of digital technologies and artificial intelligence. For entrepreneurs operating within the European Union, including those in Romania, the integration of digital mechanisms and artificial intelligence into business processes has become imperative in order to remain competitive within the

internal market. Accordingly, as the EU legislator adopts legal instruments tailored to this innovative context, national legal systems—including the Romanian legal system—and the branches of law directly concerned, among which commercial law occupies a central place, increasingly incorporate new legal concepts and emerging issues within their scope, thereby generating multiple avenues for legal reflection and scholarly inquiry.

A major impact on the field of commercial law was also generated by the reconfiguration of the Civil Code and the repeal of the Commercial Code. Within this paradigm, commercial law continues to exist, grounded in the new concepts of undertaking and professional (trader) as regulated by the Civil Code. In the current normative configuration, however, it is the special legislation governing the organisation and conduct of economic and commercial activities that shapes its specificity and, implicitly, its autonomy.

The habilitation thesis entitled *Commercial Law: Between the Effervescence of Regulation, the Challenges of the Market and the Imperative of Innovation* represents a synthesis of the research themes and directions addressed in the studies and volumes published within the field of commercial law. Its central focus lies on the manner in which commercial law in general—and classical contractual institutions in particular—have been adapted and reconfigured under the influence of three key coordinates outlined above: the new normative framework of harmonisation through the incorporation of the European Union *acquis*, the new concepts enshrined in the Civil Code as a genuine code of private law, and the innovative legislative context shaped by digitalisation and the presence of artificial intelligence.

The complexity of commercial law has guided the orientation of my research towards a field of interest already established through the topic of my doctoral thesis, namely the law of obligations involving professional traders.

Thus, a first direction of research in the field of commercial law focused on the analysis of the specific features of obligations arising from legal relationships between a consumer and a professional trader, namely so-called business-to-consumer (B2C) contracts. This analysis was situated within the context of developments in European Union legislation and the corresponding national transposition measures, of the challenges of the commercial market in the context of sustainability and durability, as well as technological advancements and the growing presence of artificial intelligence and was complemented by references to the relevant body of case law of the Court of Justice of the European Union.

The research trajectory in this area was editorially materialised in the monograph *Consumer Rights in Business-to-Consumer Contracts*, ISBN 978-606-18-1456-5, C.H. Beck Publishing House, Bucharest, 2024, 534 pages (sole author). This work is distinguished by its dual nature, functioning both as a scholarly monograph and as a didactic tool. It was conceived simultaneously as a doctrinal reference and as a course support, offering an in-depth analysis of the world of business-to-consumer contracts, viewed by the author as a domain predominantly characterised by adhesion and standard-form contracts. These contractual forms raise legal challenges that were not inherent in contracts concluded through traditional or classical civil law mechanisms.

Accordingly, the monograph captures *the dynamism of regulation* specific to the issues under examination by analysing the relevant European Union legislation and national transposition measures, with particular emphasis on key aspects such as the consumer as a vulnerable party, informational asymmetries, and informational formalism.

The paper illustrates the challenges of the commercial market on the business environment, driven by increasingly sophisticated consumer preferences for sustainable products. These involve a fundamental restructuring of the business model which, in the context of sustainability and durability, involves balancing the interest in achieving profit governance with environmental impact (Environmental), social responsibility (Social) and corporate governance (Governance).

The imperative of innovation is reflected in the applicable European Union and national transposition legislation concerning: (a) contracts for the sale of goods, including those incorporating or interconnected with digital elements, and (b) contracts for the supply of digital content or digital services. These aspects are examined in detail throughout the monograph.

At the same time, the research outcomes reflected in articles published in journals indexed in Web of Science and SCOPUS, in recognised legal science databases, as well as in volumes of international conference proceedings, have addressed in a targeted manner recent legislative developments relating to issues that were only tangentially examined in the monograph. By way of example, the following contributions may be mentioned: *Synoptic Approach Regarding the Implications Generated by the Use of “AI Systems” in Business-to-Consumer Contracts*, published in *Cadernos de Direito Actual*, no. 24 (2024), ISSN 2340-860X, ISSN 2386-5229, indexed in Web of Science (Q3) and SCOPUS, pp. 225–235 (sole author); *To What Extent Does Regulating an Ethics of Artificial Intelligence Guarantee the Maintenance of Consumer Rights*, paper presented at the 19th ESIL Annual Conference, *Technological Change and International Law*, 4–6 September 2024; *To What Extent Do the Requirements of Directive (EU) 2023/2225 Guarantee Consumer Rights in Consumer Credit Contracts in the Era of Digitalisation*, published in *Revista Română de Dreptul Afacerilor*, no. 4/2024, Editura Wolters Kluwer, ISBN 1583-493X, pp. 155–174 (sole author); *The Liability Regime for Damage Caused by Autonomous AI Systems or AI Embedded in Digital Products: Between Creative Effervescence and a Reasonable Legislative Approach*, published in *Pandectele Române*, no. 3 (2025), ISSN 1582-4756, pp. 69–91 (sole author); *Brief Considerations on the “Behaviour” of Professional Traders and Consumers in the Context of the Shift from Brick-and-Mortar to E-Commerce: Union and Transposition Regulations*, published in *International Investment Law Journal*, vol. 3, issue 1 (February 2023), ISSN 2734-8830, ISSN-L 2734-8830, pp. 90–98 (sole author); *Brief Considerations Regarding the Specific Concept of “Consumer” as a Contracting Party Involved in a Commercial Legal Relationship*, published in *International Journal of Legal and Social Order – Law Section*, vol. 3, no. 1 (2023), ISSN 2821-4161 (online), ISSN 2810-4188 (print), ISSN-L 2810-4188, pp. 536–545 (sole author), DOI: <https://doi.org/10.55516/ijlso.v3i1.159>; *Artificial Intelligence and Corporate Responsibility: Towards a New Ethical-Legal Contract in the Dynamics of Emerging Global Convergences on Human Rights*, published in *Juridical Tribune – Review of Comparative and International Law*, vol. 15, issue 2 (June 2025), ISSN 3008-637X, indexed in Web of Science (Q2) and SCOPUS, pp. 281–305 (co-author); *Consumer Rights and Vulnerabilities in the Digital Environment*, in J. Cremades, C. Hermida (eds.), *Encyclopedia of Contemporary Constitutionalism*, Springer, Cham, May 2025, Online ISBN 978-3-319-31739-7, Print ISBN 978-3-319-31739-7, pp. 1–13; and *On the Taxonomy of Artificial Intelligence Systems in the Context of Uniform Unification Legislation: A Special Focus on “High-Risk” Systems in Business-to-Consumer and Business-*

to-Business Contracts, paper presented at the 16th International Conference “European Union’s History, Culture and Citizenship”, 17 May 2024, Pitești.

The second direction of research in the field of commercial law focused on the specific features of obligations arising from professional legal relationships, with particular emphasis on contracts concluded between commercial professionals, namely so-called business-to-business (B2B) contracts, as reconfigured in the currently applicable Civil Code. These contracts are defined by the legislator as obligations arising in the course of operating an undertaking or within legal relationships between professionals. And this second research direction was carried out under the auspices of the triptych of coordinates stated in the very title of this habilitation thesis, namely: the effervescence of regulation in the matter of B2B contracts, the challenges of the market on the business environment, the imperative of innovation.

This topic is addressed in the volume *Commercial Law. University Course*, C.H. Beck Publishing House, Bucharest, 2025, ISBN 978-606-18-1593-7, 322 pages (sole author), which is conceived as a synthesis of the dialogue between the general architecture of the Civil Code and the special rules of commercial law. In developing this work, I employed a range of methodological tools, including doctrinal analysis, systemic interpretation, as well as formal-logical and dialectical interpretation.

In contrast to this didactic synthesis—characterised by coherence, structure, and concision—the scientific approach specific to this second direction of research is reflected in a series of scholarly articles published in prestigious legal journals in Romania and abroad. Among these, the following may be highlighted: *Theoretical Considerations Regarding the Know-How Contract from the Perspective of European Union Legislation and the Romanian Transposition Legislation*, presented at the 32nd International RAIS Conference on Social Sciences and Humanities, within the conference tracks “Law” and “Jurisprudence”, Washington, D.C., USA, June 8–9, 2023; *Brief Considerations on the Innovative Elements in Franchising. An Approach of the Romanian Legislator from a Union Perspective*, published in *Fiat Iustitia*, no. 2 (2022), ISSN 2810-5524, ISSN-L 1224-4015, pp. 70–79; *General Considerations on the “Specific Rule Between Professionals” According to the New Civil Code*, paper presented at the 7th Agora International Law Conference (AILC 2013), *Prospects and Challenges of 21st Century Law*, October 17–18, 2013; *The Franchising System: Favourable Perspectives on the Domestic Market*, published in *Revista Română de Dreptul Afacerilor*, no. 1 (2006), pp. 67 ff.; and *Theories Applicable to the Determination of the Moment of Contract Formation*, published in *Pandectele Române*, no. 2 (2006), pp. 196–203.

II. Directions for the Evolution and Development of the Career

The second part of the habilitation thesis outlines the plans for evolution and development in the fields of the academic, professional, and scientific career.

Career development is understood as a continuous process of professional advancement through the acquisition of new knowledge, skills, and experience. This trajectory involves ongoing self-assessment of professional goals, adaptability to innovative contexts, and the assumption of new responsibilities.

II.1 Evolution and Development of the Academic Career

The first chapter of the second part of the thesis is devoted to the evolution of the academic career.

At the teaching level, I aim to further develop my pedagogical skills and teaching techniques through the use of modern lecture methods adapted to the dynamics of legislation and the context of technological advancement, while ensuring an interactive learning environment for students (explanatory approaches, debate, brainstorming, problem-based learning, etc.).

I also intend to support undergraduate and master's students in their professional training by strengthening institutional collaboration between the Faculty of Economic Sciences and Law, the Pitești University Centre, and the Commercial Arbitration Court attached to the Argeș Chamber of Commerce, Industry and Agriculture, where I serve as an arbitrator. In addition, I will make all necessary efforts to maintain the institutional partnership between the Faculty of Economic Sciences and Law and the Argeș Bar Association.

Furthermore, students and master's students who demonstrate an interest in scientific research in the field of commercial law, and beyond, will be encouraged and supported to participate in national and international student conferences and to publish the results of their research in conference proceedings.

At the same time, I will recommend and encourage undergraduate and master's students to prepare scientific articles and studies for publication in specialised journals, whose editorial boards I am a member of, namely *Legal and Administrative Studies*, *Research and Sciences Today Journal*, and *Romanian Journal of Banking and Financial Law*.

Within the faculty in which I am active, I will continue to be involved in the organisation of international conferences and will also participate in scientific events organised at the level of the National University of Science and Technology POLITEHNICA Bucharest.

II.2. Evolution and Development of the Professional Career

The second chapter of the second part of the thesis addresses the development of the professional career.

At this stage of my academic career, I consider that I have defined a number of working directions that may be further developed in the future. These include, for example, my involvement at the level of international associations and societies of which I am a member, through participation in research projects implemented within these frameworks, including as part of multidisciplinary research teams.

In addition, I intend to pursue interdisciplinary collaborations with a view to publishing volumes with international publishing houses.

II.3. Evolution and Development of the Scientific Career

The third chapter of the second part is devoted to the development of the scientific career.

The development of the scientific career involves both the continuation of research activities through the consolidation of previously explored priority themes and the in-depth investigation of new research topics.

A first direction in the development of the scientific career concerns the consolidation of the textbook *Commercial Law. University Course*, published by C.H. Beck Publishing House, through the preparation of a new, expanded edition. This new edition will align the structure of the discipline with the contemporary approach to commerce in the context of digitalisation (e-commerce). It will ensure both conceptual rigour and practical applicability, particularly in the

field of B2B (business-to-business) contracts concluded in the digital environment and will be published by the same prestigious legal publisher.

Another direction of scientific development involves the revision of the monograph *Consumer Rights in Business-to-Consumer Contracts*, with the aim of maintaining its relevance in light of legislative, doctrinal and jurisprudential developments. This endeavour includes, by way of example, a renewed approach to issues related to alternative dispute resolution between consumers and professional traders, in the context of the adoption by the Council, on 17 November 2025, of the updated Directive on alternative dispute resolution.

Furthermore, I will continue to publish articles in journals indexed in Web of Science or Scopus, as well as in journals indexed in recognised databases in the field of legal sciences. Among the scientific research topics in commercial law that I intend to address in the short and medium term are the following: digital markets; business models in e-commerce; techniques for personalising commercial offers; social commerce as an innovative concept within the e-commerce landscape; digital services; the automation of business-to-consumer contractual relations through the use of digital assistants—raising the question of whether such developments give rise to new contractual models or rather to adapted forms of traditional contracts; commercial due diligence; and the legal regime of liability for the use of artificial intelligence, whether autonomous, embedded in products, or interconnected with them.

III. Bibliography

It includes the relevant references underpinning the preparation of the habilitation thesis, as well as the author's own publications included in her scientific portfolio.

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