

administrative law - legal changes published in December 2017

The law on the prevention of misdemeanors no. 270/2017 published in the Official Gazette of Romania, Part I, no. 1037 of December 28, 2017, applicable from January 17, 2018,

regulating a series of instruments to ensure the prevention of misdemeanors. In this respect, all the public authorities / institutions with powers of control, detection and sanctioning of misdemeanors have the obligation, according to the areas under their responsibility, to elaborate and, within 3 months from the date of coming into force of this law, to disseminate documentary materials and guides and allocate sections dedicated to public information on the website with respect to:

- (i) the applicable law regarding the detection and sanctioning of misdemeanors;
- (ii) the rights and obligations of these public authorities / institutions in conducting misdemeanor sanctioning activities, as well as the rights and obligations of persons who are subject to these activities;
- (iii) a distinct indication of misdemeanors for which the public authority / institution has powers to find and enforce sanctions and / or other applicable measures.

The law establishes that in case of finding a misdemeanor which would be subsequently provided by a Government decision, the investigating officer shall conclude a misdemeanor report by which the warning sanction is applied and to which a correction plan will be annexed, according to the provisions of this law. In this situation, no additional sanctions shall be applied. The model of the remedial plan will also be adopted by government decision.

Within a maximum of 10 working days from the expiration date of the remedial period, the public authority / institution with control duties is required to resume control and complete part II of the remedial plan annexed to the misdemeanor report.

If, upon the resumption of control, the offender fails to comply with the legal obligations according to the established remedial measures, within the time limit, the investigating agent shall conclude another report, which establishes the misdemeanor committed and sanctions, other than warning, in compliance with the legislation establishing and sanctioning misdemeanors.