

litigation and arbitration - legal changes published in November 2019

Decision of the High Court of Cassation and Justice no. 17/2019 regarding the examination of the appeal in the interest of the law formulated by the Attorney General of the Prosecutor's Office attached to the High Court of Cassation and Justice regarding "The admissibility of the second appeal against the decisions by which revision requests based on the provisions of art. 509 paragraph (1) point 8 of the Code of civil procedure have been resolved" was published in the Official Gazette of Romania, Part I no. 899 of November 7, 2019 and is applicable from the same date.

The Court admitted the appeal in the interest of the law, establishing that, in the unitary interpretation and application of the provisions of art. 513 par. (6) of the Civil Procedure Code, the second appeal against the decision resolving the request for a revision based on the argument provided by art. 509 par. (1) point 8 of the same code is admissible, whether or not the judgment under revision is final.

Decision of the High Court of Cassation and Justice no. 245/2019 regarding the examination of the related referrals made by the Bucharest Court of Appeal - Civil Section III and for cases involving minors and family and Civil Section IV, in the cases no. 45.709/3/2017 and no. 8.316/3/2018, in order to issue a preliminary ruling on a matter of law, was published in the Official Gazette of Romania, Part I no. 934 of November 20, 2019 and is applicable from the same date.

The Court admitted the formulated notice, establishing that, in the interpretation and application of the provisions of art. 35 paragraph (2) of Law no. 165/2013 regarding the measures for completing the process of restitution, in kind or by equivalent, of the buildings taken over abusively during the communist regime in Romania, with the subsequent amendments and additions, the term of 6 months does not apply to the requests made against the refusal of the entities invested by law to solve the notification, other than those provided by art. 35 paragraph (3) of Law no. 165/2013. Also, the obligation of the invested entity according to the law for the settlement, by administrative means, of the legal notifications formulated, either by restitution in kind or by granting reparative measures by equivalent, is maintained even in the conditions of non-exercise of the judicial procedure provided by art. 35 of Law no. 165/2013.