

Cover article: „Anti-banking laws”. Where from, Why, and Where to?

by Dumitru Rusu – Partner, Head of Banking and Finance practice

In the shadow of the highly publicized ordinance on "**The tax on banks' greed**" (officially the tax on the assets of banking institutions according to Emergency Ordinance No. 114/2018 regarding the establishment of measures in the field of public investments and fiscal-budgetary measures, on amending a supplementing certain acts and the extension of some deadlines), the end of 2018 brought another surprise for the banking system, partly foreseen but with the hope that it would eventually not happen, or at least not too soon.

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cover article

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by Dumitru Rusu, Partner Voicu & Filipescu, head of Banking & Finance practice

In the shadow of the highly publicized ordinance on "**The tax on banks' greed**" (officially the tax on the assets of banking institutions according to Emergency Ordinance No. 114/2018 regarding the establishment of measures in the field of public investments and fiscal-budgetary measures, on amending an supplementing certain acts and the extension of some deadlines), the end of 2018 brought another surprise for the banking system, partly foreseen but with the hope that it would eventually not happen, or at least not too soon.

After having been lost through committees and other parliamentary procedures, on December 18, 2018, these legislative initiatives, having a major, toxic impact on the financial and banking sector, were surprisingly accelerated through the most important commissions for these legislative measures (banking and finance budget and legal) and then also through the plenary session of the Parliament.

I refer to what some journalists have long called, more or less rightly, the "**Anti-Banking Package**" or "**Zamfir's Laws**", namely:

1. Draft Law supplementing the Government Ordinance no. 13/2011 regarding the compensatory and penalizing legal interest for money obligations, as well as for the regulation of fiscal - financial measures in the banking field.

Link: http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=16892

2. Draft Law supplementing the Government Emergency Ordinance no. 50/2010 on loan agreements for consumers.

Link: http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=16893

3. Draft Law amending and supplementing the Government Ordinance no. 51/1997 on leasing operations and leasing companies as well as for supplementing Article 120 of Government Emergency Ordinance no. 99/2006 on credit institutions and capital adequacy.

Link: http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=16969

Where from and Why ?

The history of these legislative initiatives, enjoying the support of more than governmental lawmakers, began about a year and a half ago. They target interest rate capping (annual percentage rate of charge) applied to consumer loan agreements (at various caps), limitation of recovery amounts by collection agencies and repayment to a maximum of double the assignment price and others (the route of the legislative procedures and the content of the initiatives can be seen by following the links above).

Following the so-called explanatory statement, we find that these are only formal and succinct documents, unsupported by actual data and analysis. They include axiomatic and populist references, which are obviously

erroneous, to excesses, speculation, abuses, toxic contracts and misleading practices on the part of banks and other creditors, or debt collection agencies.

We believe that such axiomatic statements, and ultimately the existence of such legislative initiatives, should have been based on carefully grounded analyzes and findings on the deviant behaviors of targeted traders, analyzes and findings made by the institutions having the role of supervision and control in the financial-banking field, the good and correct functioning of the market or the protection of consumers in the sector in question (National Bank of Romania, Competition Council, Consumer Protection Authority).

These institutions should have formally issued findings on any deviant behaviors and applied coercive measures within the limits of their duties (which do not include social protection mechanisms). The measures could have been accepted by the targeted entities or, if challenged, should have also withstood the control of legality done by the courts. As far as I know, such analyzes and findings either do not exist or are marginal in impact.

From the point of view of the economic opportunity, the draft law denotes either a lack of knowledge of the mechanisms and functioning of the financial-banking market or that they were ignored.

We can conclude that lawmakers initiating these draft laws, in a populist way, they assume the role of social protector in a toxic and destructive way for a vital sector of the economy - the financial and banking market - with boomerang negative effects on the "protected" categories themselves, by limiting lending and by possible widespread negative effects in the economy (such considerations have already been presented and debated in the public space).

Where do we stand?

Approved by the Senate in February 2018, the draft laws entered the parliamentary procedure in the Chamber of Representatives, a route finalized by the sudden approval on December 18, 2018.

Notable is the last-minute change in the initial interest rate capping (annual percentage rate of charge) on mortgage and real estate loans from 2.5 multiplied by legal interest to the fixed rate of 3 percent. An unfortunate and unclear phrasing, which denotes a possible intention to refer to the applicable margin above a reference rate, but unfortunately it remained as a total and absolute cap on this value, without distinction on the loan currency or other considerations.

Where to?

On December 27, 2018, a significant number of representatives and senators filed unconstitutionality complaints about these draft laws. The cases were filed with the Constitutional Court under nos. 2359A/2018, 2360A/2018 respectively 2361A/2018, the deadline for debates being set for February 27, 2019.

The unconstitutionality complaints include both extrinsic reasons (i.e. procedural aspects and legislative technique, including lack of clarity) but also intrinsic reasons (merits).

Among the intrinsic reasons (merits), there is the violation of the principle of free initiative and market economy, the fact that consumer protection can not be achieved by limiting or even annihilating the economic and contractual freedom or the right to private property. By applying these laws, either directly and unequivocally or in a qualified manner (i.e. conditional upon considering a situation of unpredictability) to ongoing contracts also, the principle of nonretroactivity in civil matters is also breached.

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On 29.12.2018 all these draft laws were sent to the President of Romania for promulgation, but it is necessary to await the judgment of the Constitutional Court on the raised issues.

We look forward professionally to the solution of the Constitutional Court.

constructions - legal changes published in December 2018

Law no. 292 of 3 December 2018 on the assessment of the impact of certain public and private projects on the environment was published in the Official Gazette of Romania, Part I, no. 1043 of 10 December 2018 and enters into force on January 9, 2019.

This regulation transposes the provisions of Directive 2011/92 / EU of the European Parliament and Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.

Projects subject to the provisions of this law are expressly listed in its annexes, such as power plants, utility lines, access ways, ports, warehouses.

According to the provisions of the normative act, the stages of the environmental impact assessment process of a particular project are the following: (i) preparation of the environmental impact report by the project beneficiary, (ii) conducting consultations, (iii) examination by the competent authority of the information presented in the Environmental Impact Report and any additional information, (iv) issuance of a supported conclusion by the competent authority on the significant environmental impact of the project. The decision of the competent authority or authorities authorizing the project beneficiary to carry it out shall be made by issuing, as appropriate, the following approvals: building permit, land use agreement for intensive agricultural use, agreement of the specialized territorial structure manager of the central public authority responsible for forestry, the document issued by the competent authority in the field of forestry according to the provisions of art. 40 of the Law no. 46/2008 - Forest Code.

An element attesting the harmonization of internal legislation with the European one is the inclusion of the cross-border procedure, which includes applicable rules if a project to be carried out in Romania can have a significant effect on the environment of another Member State of the European Union.

The new provisions do not apply to projects or parts thereof which have as their sole objective national defense and security or emergency response if the central public authorities for defense and national security and emergencies, together with the central public authority for environmental protection, establish, on a case-by-case basis, that carrying out the environmental impact assessment would have a negative effect on these objectives.

At the same time, the act expressly repeals the provisions of (i) Art. 8, par. 3 of Law 50/1991, whereby the opinion of the competent authority for environmental protection or its administrative act was not necessary in the case of the issuance of a permit for the dismantling of works or constructions, and (ii) Article 2 point 13 let. c) of Government Emergency Ordinance no. 195/2005, which excluded the Natura 2000 permit from the classification and definition of environmental permits issued by competent authorities for environmental protection.

employment - legal changes published in December 2018

Government Decision no. 937/2018 for the establishment of the minimum gross national wage guaranteed for payment was published in the Official Gazette of Romania, Part I, no. 1045 of 10 December 2018, entering into force on the same date.

Taking into account the previous amendment of Art. 164 of the Labor Code, which allows for the establishment by Government Decision of an increase of the gross minimum wage guaranteed for payment, differentiated according to the criteria of the level of education and seniority, Government Decision no. 937/2018 provides that **as of January 1, 2019, the minimum gross national wage guaranteed for payment is set in cash excluding bonuses, at the amount of 2,080 lei per month for an average work program of 167.333 hours / month, representing 12.43 lei / hour.**

It also provides an exception to this gross minimum wage, namely that for the staff hired in positions for which higher education is required, **having at least one year's seniority, the minimum basic gross wage guaranteed for payment, excluding bonuses, increases from 2,080 lei to 2,350 lei per month, for a normal work schedule of 167.333 hours on average per month, representing 14.044 lei / hour.**

Government Decision no. 937/2018 also provides that as of January 1, 2019, all rights and obligations established by the law are determined by reference to the level of RON 2,080 of the minimum gross national wage guaranteed for payment.

Government Emergency Ordinance no. 107/2018 on amending and supplementing certain acts, as well as on the extension of certain deadlines was published in the Official Gazette of Romania, Part I, no. 1058 of December 13, 2018, entering into force on the same date.

This Emergency Ordinance amends some provisions of Law no. 165/2018 on the issue of promissory notes (which entered into force on 1 January 2019), which extended the deadlines for the entry into force of articles of the same law, as follows:

- on January 1, 2021, art. 24-27 of Chapter VI on holiday vouchers takes effect;
- until January 1, 2021, the provisions of Law no. 165/2018 do not apply to holiday vouchers.

Last but not least, it provides that, as of 1 January 2019, Law no. 142/1998 on the granting of meal tickets and Law no. 193/2006 on the granting of gift vouchers and nursery vouchers are repealed.

On 1 January 2021, Government Emergency Ordinance no. 8/2009 on the granting of holiday vouchers will also be repealed.

Order no. 2495/2018 of the Minister of Labor and Social Protection regarding the approval of the List of basic occupations for which level 1 training programs can be organized was published in the Official Gazette of Romania, Part I, no. 1058 of December 13, 2018, entering into force on the same date.

It approves the List of basic occupations for which level 1 training programs can be organized, mentioning as an example the following occupations: *cleaning lady* - COR code 911201, *landscape caretaker* - COR code 931202, *manual packer* - COR code 932101, *goods handler* - COR code 933303, *loader-unloader* - COR code 933301, *gate controller* - COR code 962906.

The Order also provides that legal entities interested in the organization of level 1 training programs must request the Ministry of Labor and Social Justice to update the List of skills under Art. 6 of the Order of the Minister of Labor, Social Solidarity and Family and of the Minister of Education, Research and Youth no. 35 / 3.112 / 2004 for the approval of the list of skills for which programs finalized with skill certificates can be organized.

Law no. 337/2018 regarding the status of the labor inspector was published in the Official Gazette of Romania, Part I, no. 1107 of 28 December 2018, with effect from 31 December 2018.

From the provisions of this law, we mention, with regard to the **labor inspector's territorial competence** that the labor inspector within the Labor Inspectorate can carry out control activities throughout the country only together with labor inspectors from within the territorial inspectorate afferent to the location where the control activity is carried out.

The control activities shall be carried out **only on the basis of the control card, of the badge attesting the function performed in the exercise of the attributions established by law and of the travel order signed by the head of the institution** or by the person designated by them and after the completion of the sole control registry of the controlled entity, under the conditions provided by Law no. 252/2003 on the single control registry.

Government Emergency Ordinance no. 114/2018 on the establishment of measures in the field of public investments and fiscal-budgetary measures, the amendment and of certain acts and the extension of certain deadlines was published in the Official Gazette of Romania, Part I, no. 1116 of December 29, 2018, entering into force on the same date.

- **Among others, the Emergency Ordinance no. 114/2018 brings amendments to the Law no. 52/2011 on occasional activities performed by day-workers.**

With regard to day workers, it should be noted that a person can not perform day-work activities for more than 120 days during a calendar year, irrespective of the number of beneficiaries, except for those who perform animal farming activities in extensive system of seasonal grazing of sheep, cattle, horses, seasonal activities in botanical gardens of accredited universities, as well as in the wine sector, for which the period may be 180 days during a calendar year. Also, the beneficiary can not use a person for more than 25 calendar days on a continuous basis in day-work activities, and if the work done by the day worker requires a longer period, they can be used under a fixed-duration contract.

Moreover, the areas where unskilled work of an occasional nature can be performed, are significantly reduced, namely to: a) agriculture, hunting and ancillary services; b) forestry, with the exception of forestry exploitation; and c) fisheries and aquaculture.

- **Also, the Emergency Ordinance no. 114/2018 establishes by way of derogation from the provisions of art. 164 par. (1) of the Labor Code** that for the period between January 1, 2019 and December 31, 2019, for the construction sector, the minimum gross national wage guaranteed for payment shall be set in cash, not including bonuses, to the amount of **3,000 lei monthly**, for a normal work schedule of 167.333 hours per month, representing 17.928 lei / hour.

These provisions apply only to the fields of activity referred to in art. 66 (1) of the Emergency Ordinance, including: 2361 - *Manufacture of concrete products for construction*, 2512 - *Manufacture of metal doors and windows*, etc.

corporate - legal changes published in December 2018

Emergency Ordinance no. 108/2018 amending and supplementing Government Emergency Ordinance no. 10/2017 to stimulate the creation of new small and medium-sized enterprises was published on December 14, 2018

The main changes to the «Start-up Nation - Romania» Program are as follows:

- 1) "Start-up Nation - Romania" beneficiary enterprises are companies established after January 30, 2017 under the provisions of the Companies Law no. 31/1990, republished, with subsequent amendments and completions, of the Government Emergency Ordinance no. 6/2011 to stimulate the creation and development of microenterprises by start-up entrepreneurs, approved with amendments by Law no. 301/2011, as subsequently amended and supplemented, and of Law no. 1/2005 on the organization and functioning of cooperatives, republished, with subsequent amendments, which fulfill, on the date of submission of the financing application, the eligibility criteria imposed by the legislation on de minimis aid and the eligibility conditions set out in the de minimis aid scheme to be approved according to art. 5;
- 2) The process of implementation of the "Start-up Nation - Romania" Program shall use the mechanism of expenditure reimbursement and settlement of payment requests established through the de minimis aid scheme provided in art. 5;
- 3) Under the "Start-up Nation - Romania" Program, at the beneficiary's request, an advance of up to 30% of the total approved eligible expenditures under the conditions established by the de minimis aid scheme provided under art. 5 can be granted;
- 4) Under the "Start-up Nation - Romania" Program, a lump sum from the second installment can be granted, which does not require the submission of supporting documents, for expenses related to salaries, rents, utilities and accounting services. The lump sum will be granted subject to the creation of at least 2 permanent full-time jobs under the conditions set out in the de minimis aid scheme provided in art. 5;
- 5) The Annex on Criteria for the online assessment of the business plan was replaced by a new Annex.

Emergency Ordinance no. 108/2018 was republished in the Official Gazette no. 1060 / 14.12.2018 and entered into force on the date of its publication in the Official Gazette.

data protection - legal changes published in December 2018

On December 5, 2018, the European Data Protection Board ("EDPB") published a summary of the 5th Plenary session

According to the press release published at https://edpb.europa.eu/news/news/2018_en, the main topics of discussion were the following:

- 1) Adoption of the draft adequacy decision on the recognition of an adequate level of protection for Japan regarding the transfer of personal data

Board members adopted an opinion on the draft European Commission Decision on the recognition of an adequate level of protection in Japan. The EDPB does not expect the Japanese legal framework to replicate European data protection law. The efforts made by Japan for the convergence of the European and Japanese law have been appreciated, although there are still a number of concerns, such as the protection of personal, data transferred from the EU to Japan, throughout their whole life cycle. The adoption of this Decision is very important given that it would be the first of its kind since the entry into force of the General Data Protection Regulation (GDPR).

- 2) The EDPB adopted opinions on the Data Protection Impact Assessment (DPIA) lists

The EDPB adopted opinions on DPIA lists submitted to the Board by Denmark, Croatia, Luxembourg and Slovenia. These four opinions follow the 22 opinions adopted during the September plenary, and will further contribute to establishing common criteria for DPIA lists across the EEA.

- 3) Guidelines on accreditation

The EDPB has adopted a revised version of the WP29 guidelines on accreditation, including a new annex. The draft guidelines were originally adopted by the WP29 and submitted for public consultation. The EDPB finalized the analysis and reached a conclusion on the final version. The aim of the guidelines is to provide guidance on how to interpret and implement the provisions of Article 43 of the GDPR. In particular, they aim to help Member States, supervisory authorities and national accreditation bodies establish a consistent and harmonized baseline for the accreditation of certification bodies that issue certification in accordance with the GDPR.

energy - legal changes published in December 2018

Order of the National Regulatory Authority for Energy no. 207/2018 approving the establishment of the mandatory quota for the acquisition of green certificates for the year 2019 was published in the Official Gazette of Romania, Part I, no. 1084 of December 20, 2018 and is applicable as of January 1, 2019.

The order sets the estimated mandatory quota for the acquisition of green certificates to be observed by the economic operators who must purchase them for the year 2019, at the threshold of 0.433 green certificates / MWh.

The provisions of this order are carried out by the power and gas market operator OPCOM SA, the generators of electricity from renewable sources as well as by the economic operators who must purchase green certificates, and the observance of these provisions is being monitored by the organizational entities within the National Regulatory Authority for Energy.

Order of the National Regulatory Authority for Energy no. 221/2018 approving the obligation of the natural gas market participants to trade on the centralized markets in Romania was published in the Official Gazette of Romania, Part I, no. 1101 of 27 December 2018 and is applicable from the same date.

The order establishes and regulates the obligation of the participants in the natural gas market to conclude transparent, public and non-discriminatory transactions on the centralized markets in Romania for the sale or purchase of minimum quantities of natural gas.

As of January 1, 2019, natural gas producers who contract natural gas sales in a calendar year are required to conclude contracts on the wholesale centralized market in a way which is transparent, public and non-discriminatory, in the calendar year in which they deliver the natural gas, in order to sell a minimum amount of natural gas from its own onshore production, set out in this order. This provision also applies to natural gas market participants other than the aforesaid sellers in so far as those participants contract the sale of natural gas on the wholesale market.

The legislator applies the same reasoning in relation to the buying operation, in that the participants in the natural gas market that contract the purchase of natural gas on the wholesale market in a calendar year have the obligation to conclude the contracts on centralized, transparent, public and non-discriminatory markets in order to buy a minimum quantity of natural gas established in accordance with this order.

Transactions on the wholesale market in Romania are, according to the present Order, of the following types:

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(i) transactions under Art. 177 par. 2, let. (a) and b) of Law 123/2012 (bilateral contracts between natural gas companies or transactions in centralized markets administered by the natural gas market operator or the balancing market operator, as the case may be); (ii) transactions in organized markets with non-standardized products; (iii) bilateral transactions, negotiated directly on the basis of export contracts.

litigation - legal changes published in December 2018

Decision of the Constitutional Court no. 601/2018 regarding the admission of the unconstitutionality exception of the provisions of art. 129 par. (2) let. b) of the Criminal Code

was published in the Official Gazette of Romania, Part I, no. 1057 of 13 December 2018 and is applicable from the same date.

The Court upheld the objection of unconstitutionality of the provisions of Art. 129 par. (2) let. b) of the Criminal Code, invoked by Vasile Adrian Harpa in Case no. 550/279/2017 of the Piatra Neamț District Court - criminal section and found that the "**at least**" phrase in their content is unconstitutional, violating the provisions of art. 16 and art. 23 of the Constitution.

Thus, the Court found that the existence of this phrase establishes a **disproportionate sanctioning regime**, which also means a lack of correlation between the provisions of Art. 129 par. (2) let. b) of the Criminal Code with the provisions of art. 113 et seq. of the Criminal Code and determines an unjustified restriction of the individual liberty of the former, with the consequence of violation of the provisions of art. 23 of the Constitution, compounded by the fact that in the case of the criminal sanctioning regime, the legislator provided a limited increase, equal to one third of all other penalties established, in the case of the plurality of offenses provided in art. 129 par. (2) let. b) of the Criminal Code, only the minimum limit of the applicable rate is regulated (*it is increased by a duration of at least one fourth of the duration of the educational measure or of the remaining non-executed punishment*), the amount of which is left to the discretion of the court and is limited, theoretically, according to the way in which the text was formulated, only to the maximum general limit of the prison sentence applicable to the resulting punishment.

Decision of the Constitutional Court no. 584/2018 regarding the admissibility of the objection of unconstitutionality of the provisions of the sole article point 1 of the Law for amending and completing art. 12 of the Law no. 78/2000 on the prevention, detection and sanctioning of corruption acts as well as of the law as a whole

was published in the Official Gazette of Romania, Part I, no. 1070 of 18 December 2018 and is applicable from the same date.

The Court upheld the objection of unconstitutionality and found that the provisions of the sole article item 1 of the Law for amending and supplementing art. 12 of the Law no. 78/2000 on the prevention, detection and sanctioning of corruption are unconstitutional **in violation of art. 11 par. (1) of the Constitution, referring to art. 3 of the Criminal convention on corruption, adopted at the Council of Europe level, and art. 15 let. b) of the United Nations Convention against Corruption.**

Among other things, the Court found that the margin of decision of the state in the framing of its criminal policy is limited, in addition to the requirements explicitly laid down in the Constitution, to the international obligations it has assumed, and, as regards the fight against corruption, an area in which international acts create obligations for states

to regulate such crimes, the state has to criminalize such facts, its normative activity being directed to such a purpose. The decriminalization of acts of corruption, resulting from the interpretations of regulations regarding the objective aspect of the existing laws (replacing the *undue advantage* phrase with *undue material advantage*), as in the present case, amounts to a violation of its international obligations. **The violation of Romania's obligations under the treaties to which it is party contravenes the constitutional provisions of art. 11 par. (1), which enshrines the obligation of the Romanian State to fully and faithfully respect its obligations under the treaties to which it is a party.**

Decision of the Constitutional Court no. 651/2018 regarding the admissibility of the objection of unconstitutionality of the provisions of art. 595 par. (1) of the Criminal Procedure Code and of Art. 4 of the Criminal Code was published in the Official Gazette of Romania, Part I, no. 1083 of 20 December 2018 and is applicable from the same date.

The Court upheld the objection of unconstitutionality invoked by Remus Adrian Borza in Case no. 3.514 / 2/2016 before the Bucharest Court of Appeals - Criminal Section I and by Viorel Popescu in Case no. 2.499 / 93/2016 of the Ilfov County Court - Criminal Section and found that the legislative solution contained in art. 595 par. (1) of the Code of Criminal Procedure is unconstitutional.

The Court also upheld the exception of unconstitutionality raised by the same persons in the same cases of the same courts and found that the legislative solution contained in Art. 4 of the Criminal Code, which does not assimilate the effects of a decision of the Constitutional Court which establishes the unconstitutionality of a norm of criminalization with that of a penal decriminalization law, is unconstitutional.

In its statement of reasons, the Court notes, inter alia, that since the effects of the Constitutional Court's decision on admission concerning a rule of criminalization must be **immediate, applicable both in pending and final cases and independent of the passivity of the legislator**, the legislative solution contained in art. 595 par. (1) of the Criminal Procedure Code, which does not include the decision of the Constitutional Court, which establishes the unconstitutionality of a norm of criminalization as a case of removing or modifying the punishment/correctional measure, and the legislative solution contained in art. 4 of the Criminal Code, which does not assimilate the effects of a decision of the Constitutional Court which establishes the unconstitutionality of a norm of criminalization with the effects of a penal law of decriminalization, affects the constitutional provisions of art. 16 par. (1) on equal rights of citizens, art. 23 par. (12) on the establishment and enforcement of punishment and art. 147 par. (1) and par. (4) regarding both the termination of the legal effects of the rules of criminality found to be unconstitutional and the general binding nature of the decisions of the Constitutional Court, as well as the provisions of **art. 7 - No punishment without law of the Convention for the Protection of Human Rights and Liberties**.

Law no. 310/2018 for amending and completing the Law no. 134/2010 on the Civil Procedure Code, as well as for the modification and completion of other normative acts was published in the Official Gazette of Romania, Part I, no. 1074 of 18 December 2018, entering into force on 21 December 2018.

This law brings many changes, among which we mention:

- In the regularization procedure, new provisions are introduced on the information the plaintiff has to enter in the claim for legal action. Thus, the plaintiff **will not normally be required to supplement or amend the court claim with data or information which it does not personally have, and for which court intervention is required.**
- Substantial changes also occur with regard to the setting of the first court hearing in the sense that **it is no longer obligatory to submit an answer to the statement of defense.** As a consequence, the 3-day deadline for the judge to fix the first court hearing **will start running from the date the statement of defense is submitted** (and not from the time the answer was submitted as previously provided).
- It is no longer mandatory to hold a hearing at the research stage of the trial in the council chamber, **the research of the trial shall be held only in public hearing, unless the law provides otherwise.**
- A new case of **optional stay of proceedings** is introduced when the European Union Court of Justice has been notified with a request for a preliminary ruling in a similar case.
- Courts may extend the 30-day deadline for drafting and signing decisions only in duly motivated cases at most twice by 30 days.

The law repeals the provisions on the screening of second appeals which were provided for second appeals in the jurisdiction of the High Court of Cassation and Justice. In these cases, starting with the date of entry into force of Law no. 310/2018, the High Court will apply the other special provisions laid down for second appeals under its jurisdiction, which will be complemented by the common law procedure also provided for the other courts.