

litigation and arbitration - legal changes published in July 2020

Decision of the High Court of Cassation and Justice no. 8/2020 regarding the examination of the notification formulated by the Board of Directors of the Braşov Court of Appeal regarding a legal issue was published in the Official Gazette, Part I no. 580 of July 2, 2020 is applicable from the same date.

The High Court admitted the appeal in the interest of the law and established that, in the unitary interpretation and application of the provisions of art. 1 para. (1), art. 2 para. (1) a), r) and s) and art. 8 para. (1¹) and (1²) of the Law of contentious administrative matters no. 554/2004, as subsequently amended and supplemented, in order to exercise judicial review of administrative acts at the request of associations, as interested social bodies, invoking legitimate public interest must be subsidiary to invoking a legitimate private interest, the latter arising from the direct link between the administrative act subject to judicial review and the direct purpose and the objectives of the association, according to their statute.

Decision of the Constitutional Court of Romania no. 421/2020 regarding the admission of the exception of unconstitutionality of the provisions of art. 146¹ of the Code of Criminal Procedure was published in the Official Gazette, Part I no. 661 of July 27, 2020 and is applicable from the same date.

The Court admitted the exception of unconstitutionality raised by Horaţiu Dumbravă in File no. 2.871/1/2018 of the High Court of Cassation and Justice - Criminal Section and stated that the legislative solution contained in the provisions of art. 146¹ of the Code of Criminal Procedure, which does not allow challenging the legality of the measure regarding the obtaining of a person's financial transactions data by the person covered by it, who is not the defendant, is unconstitutional.