



## public procurement - legal changes published in February 2022

**Decision of the High Court of Cassation and Justice no. 5/2021 on the settlement of the law clarification appeal, which forms the subject of the case file no 2.469/1/2021 on the complaint brought by the Board of Directors of the Iași Court of Appeals, was published in the Official Gazette of Romania, Part I, no. 180 of February 23, 2022, applicable from the same date**

The High Court admitted the complaint brought by Iași Court of Appeals on the law clarification appeal and consequently established that, in the interpretation and application of article 166 of Government Decision no. 395/ 2016 on the approval of the application norms of Law no. 98/2016 on public procurement, by reference to article 2 para. (1) letter c) of Law no. 554/2004 on Administrative Litigation, **the jurisdiction for the settlement of disputes having as object the annulment of the ascertaining document** containing information on the non-fulfillment of contractual obligations by the contractor/associate contractor and possible damages, **falls within the jurisdiction of the civil courts**, under article 53 para. (1<sup>1</sup>) of Law no. 101/2016.