



## dispute resolution - legal changes published in December 2022

**Decision of the High Court of Cassation and Justice no. 18/2022 regarding the issuance of an appeal in the interest of the law regarding the request that forms the object of Case File no. 1.423/1/2022, formulated by the Management Board of Brasov Court of Appeal** was published in the Official Gazette, Part I no. 1258 of December 28, 2022 and it is applicable from the same date.

The High Court admitted the request submitted by Brasov Court of Appeal in order to issue an appeal in the interest of the law and, consequently, established that, in the application of art. 14 para. (2) of Government Ordinance no. 2/2001 on the legal regime of contraventions, as subsequently amended and supplemented, in disputes related to a contravention complaint, the court may, ex officio, invoke the exceeding of the statute of limitation for the enforcement of a contravention sanction.

Therefore, the enforcement of a contravention sanction is subject to the limitation period if the report establishing the contravention has not been communicated to the offender within two months of the date on which the sanction was imposed, art. 14 para. (2) stating that reaching the statute of limitation for the enforcement of a contravention sanction may be established even by the court which is solutioning the contravention complaint.

**Law no. 336/2022 for amending para. (1) of art. 651 of Law no. 134/2010 concerning the Civil Procedure Code** was published in the Official Gazette of Romania, Part I, no. 1177 of December 08, 2022, in force starting with December 11, 2022.

The law regulates new provisions concerning the justice field in relation with the jurisdiction of the enforcement court, amending para. (1) of art. 651 of Law no. 134/2010 on the Civil Procedure Code, as follows:

The first thesis of the Article remains unchanged, the enforcement court being the district court within whose jurisdiction the debtor's domicile or, where applicable, the debtor's registered office is situated at the time the enforcement authority is lodged with a claim, unless the law provides otherwise. If the debtor is not domiciled or, as the case may be, does not have its registered office within the country, it is competent the court within whose jurisdiction the creditor is domiciled or, as the case may be, has its registered office at the time when the enforcement authority is lodged with a claim, and if it is not domiciled within the country, the court within whose jurisdiction the office of the bailiff appointed by the creditor is situated.

The legislator has supplemented the Article by stating that the provisions of Article 112 (plurality of defendants) and Article 127 (optional jurisdiction) of the same legislative act shall apply accordingly.