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# Time limits on procedures



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(in civil and commercial  
matters)

## 1 What are the types of deadlines relevant for civil procedures?

From a procedural point of view, the procedural time limit is, as a general rule, defined as the time interval within which certain procedural acts must be carried out or, on the contrary, are prohibited. The relevant provisions are laid down in Articles 180 to 186 of Law No 134/2010 on the Code of Civil Procedure, republished, as subsequently amended and supplemented (entered into force on 15 February 2013).

With regard to the various types of time limits applicable under the civil procedure, they are all classified according to the manner in which they were defined, as legal, judicial or conventional time limits (regardless of their nature). Legal time limits are those expressly provided for under the law and they are fixed in principle, so that they cannot be shortened or extended by the judge or by the parties (for example, the five-day time limit for service of the summons). As an exception, the law allows the extension or shortening of certain legal time limits. Judicial time limits are those that are set by the court during the settlement of cases, for the appearance of parties, for the hearing of witnesses, for the administration of the other evidence, i.e. documents, expert's reports, etc. Conventional time limits are those that can be fixed by the parties during the hearing of disputes and do not require approval from the court.

Depending on their type, procedural time limits are overriding (manifest) and prohibitive (deferrable), the former being the ones within which a certain procedural act must be carried out (for example, the time limits within which an appeal must be lodged – appeal, second appeal, etc.) and the latter being those within which the law prohibits any procedural acts.

Another criterion for the classification of time limits relates to the sanction applicable in the event of failure to observe them, time limits being absolute and relative. Absolute time limits, if not observed, ultimately affect the validity of the procedural acts, whereas non-observance of relative time limits, even if it does not necessarily result in the invalidation of the procedural acts, can trigger the application of disciplinary or financial sanctions for the guilty parties (the ruling time limit, the preparation time limit, etc.).

Finally, in connection with their duration, time limits can be expressed in hours, days, weeks, months and years and this classification is also provided in Article 181 of the Code of Civil Procedure. Moreover, there are particular cases when the law does not provide specifically for a certain type of time limit (hour, day, etc.), but for a moment in time for the completion of the procedural act (for example, the case of an objection to enforcement, which can be filed until the last enforcing act) or it lays down provisions indicating that the act should be carried out 'without delay' or 'as soon as possible' or 'as a matter of urgency'.

## 2 List of the various days envisaged as non-working days pursuant to the Regulation (EEC, Euratom) n° 1182/71 of 3 June 1971.

Under the Romanian law, non-working days are all the Saturdays and Sundays, to which the following public holidays are added: 1 and 2 January (New Year); 6 January (Epiphany); 7 January (Saint John the Baptist); 24 January (Romanian Principalities Unification Day); Easter – two days depending on the calendar dates (Good

Friday included); 1 May (Labour Day); 1 June (Children's Day); Pentecost – one day depending on the calendar dates; 15 August (Assumption of Mary); 30 November (St. Andrew's Day); 1 December (National Day); 25 and 26 December (Christmas).

### 3 What are the applicable general rules on time limits for the various civil procedures?

The applicable rules on time limits are those laid down in Articles 180 to 186 of the Code of Civil Procedure.

### 4 When an act or a formality has to be carried out within a given period, what is the starting time?

Each time limit has a starting point and a completion point, with the duration in-between.

With regard to the starting time, Article 184(1) of the Code of Civil Procedure provides that time limits start to run from the date of service of the procedural acts, unless otherwise provided for by the law.

However, there are also cases when the service of the procedural act set as a starting point for the time limits can be replaced with equivalent procedural acts (equipollence cases). Thus, the service of the procedural act that starts the running of the time limit is replaced, in some cases, by other proceedings that are the starting point for the time limit (for example, the request to serve the procedural acts on the opposing party, the lodging of an appeal or the service of the writ of enforcement).

By way of derogation from the general rule, there are also cases when time limits start to run from other moments than service, namely from the ruling (finding the expiry of the limitation period, supplementing the judgment); from the acknowledgment of the evidence (for submission of the requested amounts or list of witnesses within five days), from the publication of certain documents (for the advertisement for selling a building within five days).

As regards the completion point, it is defined as the moment when the effect of the time limit is achieved, which is the end of the possibility to carry out the proceeding for which a time limit was set (for overriding time limits) or, on the contrary, it determines/marks the moment when the right to carry out certain procedural acts arises (for prohibitive time limits).

### 5 Can the starting time be affected or modified by the method of transmission or service of documents (personal service by a huissier or postal service)?

Between the starting point and the completion point, time limits run uninterruptedly, in principle, without any possibility of interruption or suspension. However, hindrance due to a circumstance that is beyond the party's will – which is referred to in Article 186 of the Code of Civil Procedure – is a reason to interrupt the procedural time limits. Other special circumstances for interruption are added to this case: (for example, the interruption of the appeal time limit – Article 469 of the Code of Civil Procedure). At the same time, the law provides that the procedural time limit can also be suspended (as is the case for the limitation period – Article 418 of the Code of Civil Procedure). If the time limit is interrupted under Article 186 of the Code of Civil Procedure, after the hindrance has ceased, an invariable time limit of 15 days starts to run, irrespective of the duration of the interrupted time limit. In the event of suspension, the time limit will continue to run from the point where that suspension has stopped, and the time elapsed before the suspension of the time limit will also be added thereto.

In accordance with Article 183 of the Code of Civil Procedure, the procedural document submitted within the legal time limit by a registered letter submitted to the post office or to an express courier service or to a specialised communication service or sent by fax or email is deemed to be within the time limit. The document submitted by the interested party within the legal time limit at the military unit or at the administration office of the place where that party is detained is also deemed to be within the time limit. The receipt from the post office and the registration or certification by the express courier service, the specialised communication service, the military unit or the administration office where the interested party is detained, where appropriate, on the

document submitted, as well as the mention of the date and time of receipt of the fax number or e-mail, as attested by the court's receiving computer or fax, stand as proof for the date when that interested party submitted the act.

## 6 If the occurrence of an event sets the time running, is the day when the event occurred taken into account in the calculation of the time period?

In accordance with Article 181 of the Code of Civil Procedure, the time limits expressed in days are calculated according to the exclusive system, i.e. according to free days, neither the day when it starts to run – dies a quo – nor the day when it ends – dies ad quem being taken into account, and the applicable rules are those specified in connection with the starting point, as presented in Section 4.

The time limits expressed in days are always calculated in clear days; however the act can be submitted only within the working hours of the court services. This shortcoming can be however remedied by sending the procedural act by post, with the postal official indicating the date and the means of effective service to the recipient. Please see also the answer to Question 4.

## 7 When a time limit is expressed in days, does the indicated number of days include calendar days or working days?

For example, if a person must act or is served an act on Monday, 4 April 2005, and is requested to provide a response within 14 days of service, does it mean that the person concerned must respond before:

- Tuesday, 19 April (calendar days) or
- Friday, 22 April (working days)?

The correct answer is that the specified number of days includes calendar days. The person concerned must take effective action by 19 April inclusive.

## 8 When such a period is expressed in weeks, in months or in years?

In accordance with Article 182 of the Code of Civil Procedure, the time limits expressed in years, months or weeks end on the day of the year, month or week corresponding to the starting day.

The time limit which, starting on the 29th, the 30th or the 31st of the month, ends in a month with no such day is to be considered ended on the last day of the month.

The time limit ending on a public holiday or when the service is suspended will be extended until the end of the first following working day.

## 9 When does the deadline expire if expressed in weeks, in months or in years?

The time limit expressed in weeks, months or years expires on the corresponding day in the last week or month or in the last year. If the last month does not have a corresponding day to that when the time limit started to run, the time limit ends on the last day of that month. When the last day of a time limit is a non-working day, the time limit is extended to the first following working day.

## 10 If the deadline expires on a Saturday, Sunday or a public holiday or non-working day, is it extended until the first following working day?

Yes, when the last day of a time limit is a non-working day, the time limit is extended to the first following working day.

## 11 Are there certain circumstances under which deadlines are extended? What are the conditions for benefiting from such extensions?

Article 184 of the Code of Civil Procedure specifies that the procedural time limit is interrupted and a new time limit starts to run from the date of the new service in the following cases:

- when either of the parties is deceased; in this case, a new document is served to the last domicile of the deceased party, upon the heir, without showing the name and the position of each heir;
- when the representative of either party is deceased; in this case, a new document is served upon the party concerned.

The procedural time limit does not start to run and, if it started to run before, it is interrupted in respect of the party lacking the capacity to act or having limited capacity to act until a person has been appointed to represent or assist that party, where appropriate.

## 12 What are the time limits for appeals?

Yes, there are special time limits for various fields of law. The general time limits for appeal and second appeal are 30 days in the Code of Civil Procedure. In certain matters (special procedures), for example, in the case of an interlocutory injunction, the time limit for appeal is five days, which is shorter than the time limit for lodging an appeal under ordinary law.

## 13 Can courts modify time limits, in particular the appearance time limits or fix a special date for appearance?

The answer is yes, in certain exceptional cases, the law allows the judge to shorten it (for example, under Article 159 of the Code of Civil Procedure – in connection with the time limit for the service of summons five days before the hearing date).

## 14 When an act intended for a party resident in a place where he/she would benefit from an extension of a time limit is notified in a place where those who reside there do not benefit from such an extension, does this person lose the benefit of such a time limit?

Under Article 1088 of the Code of Civil Procedure, in international civil proceedings, the court applies Romanian procedural law subject to express contrary provisions. See also the answer to Questions 5, 11 and 16.

## 15 What are the consequences of non-observance of the deadlines?

As stated above, failure to observe an absolute time limit ultimately affects the validity of proceedings, whereas failure to observe relative time limits, even if it does not necessarily result in the invalidation of the procedural acts, can trigger the application of disciplinary or financial sanctions for the guilty parties (ruling time limits, preparation time limits, etc.).

Failure to observe procedural time limits is likely to result in the application of various sanctions, as follows:

- nullity of the procedural act;
- revocation of the time limit laid down for carrying out the procedural act;
- expiry of the validity of the request referred to the court;
- limitation on the right to seek enforcement;
- financial sanctions;
- disciplinary sanctions;
- obligation to carry out again or to amend an act done without any legal formalities;
- obligation to grant compensation to the injured party for breach of procedural formalities.

Article 185 of the Code of Civil Procedure provides that, when a procedural right must be exercised within a certain time limit, failure to comply with this obligation triggers the revocation of that right, unless otherwise provided for by the law. The procedural act carried out after the time limit has elapsed is null. Where the law provides for discontinuation of a procedural act within a time limit, the act done before the time limit has ended may be annulled at the request of the interested party.

## 16 If the deadline expires, what remedies are available to those who have missed the deadlines, i.e. the defaulting parties?

Article 186 of the Code of Civil Procedure states that the party who missed a procedural time limit will be given a new time limit only if they prove that the delay is duly justified. The party concerned will carry out the procedural act within not more than 15 days from the date when the discontinuation has ceased and, at the same time, they will request to be given a new time limit. If they seek remedies, the time limit is the same as that provided when lodging an appeal. The request for a new time limit will be handled by the competent court handling the request regarding the right not exercised within the time limit. Where the party is at fault, no procedural remedies are available.

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