

Competition - Romania

Constitutional Court Strikes Down Time Limit for Challenges to Council Regulations

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The Constitutional Court was recently required to rule on a claim of unconstitutionality that was brought in connection with certain provisions of the Competition Law (21/1996).

The issue related to the provisions in Article 28(2) on the right to challenge regulations issued by the Competition Council before the administrative courts within 30 days of the date on which such decisions are notified or published.

In upholding the claim, the court ruled that establishing a term for challenging the lawfulness of administrative decisions issued by the council is in conflict with the constitutional provisions regarding judicial control over administrative acts and free access to justice.

Decision 1037/2009 was published in the *Official Gazette* on July 21 2009.

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