The Dispute Resolution Review

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ROMANIA

*Levana Zigmund**

I INTRODUCTION TO DISPUTE RESOLUTION FRAMEWORK

Disputes in Romania are settled in court in the vast majority of cases, under procedures regulated mainly by the Civil Procedure Code ('CPC'). The CPC is undergoing extensive revision, with the draft of a new Civil Procedure Code being approved by the government in March 2009 after public debate. The commentary below takes into consideration the procedures as currently in force. A brief outline of the main amendments proposed by the draft of the new Civil Procedure Code will be included in the last section.

The judicial system in Romania is formed of

a local courts;

b tribunals;

c courts of appeal (there are 15 courts of appeal in Romania, the largest being Bucharest Court of Appeal, with 23 local courts and 6 tribunals); and

d the High Court of Cassation and Justice, Romania's supreme court.

The system is designed to ensure a double-level jurisdiction, with local courts and tribunals acting as first instances depending on the nature and value of the litigation, while the courts of appeal deal with first or final appeals.

The High Court of Cassation and Justice acts exclusively as a court of last resort, also settling exceptional procedural incidents (such as motions to relocate trial for legitimate suspicion) and the final appeal in the interest of the law, an extraordinary challenge filed by the General Prosecutor or the colleges of the courts of appeal seeking to obtain a decision, binding for all inferior courts, to unify practice on certain matters. Such decisions are published in the Official Gazette of Romania.

Generally, courts are organised in divisions specialised by matter. With the number and specialisation of the divisions depending on the occurrence of specific cases, the structure of courts of the same level may vary largely.

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Since 2005, the law permits divisions within generalist tribunals to be severed and organised separately. Four such tribunals have been established to date (a tribunal for minors and family matters and three commercial tribunals).

With the number, range and complexity of disputes dramatically increasing in past years against the backdrop of economic growth and legislative changes, especially generated by Romania's accession to the EU on 1 January 2007, parties are increasingly having recourse to ADR procedures, especially arbitration, even though the vast majority of disputes are still adjudicated in courts. Mediation was only introduced in 2006 and its practice is undeveloped.

II THE YEAR IN REVIEW

Recent years have witnessed numerous and important changes in local jurisprudence to accommodate and apply European norms, sometimes under the pressure of decisions passed by the European Court of Human Rights, and in line with the evolving legislation.

Efforts to reduce excessive formalism and expedite civil court procedures have been noticeable.

Decision No. XXXIX/2007 of the High Court of Cassation and Justice,[1] mandatory for all inferior courts, put an end to the long record of dismissals of final appeals for lack of signature upon registration, finding that the CPC permits applications to be signed at the first hearing.

Decision No. 737/2008 of the Constitutional Court[2] declared Article 302 of the Civil Procedure Code unconstitutional, hence inapplicable, as nullifying misfiled final appeals was found to be unacceptably rigid and an infringement of Article 13 of the European Convention on Human Rights on access to justice.

Decision No. XXIII/2007 of the High Court of Cassation and Justice[3] changed traditional practice of qualifying actions filed by insurers against parties in default for car accidents as civil and they are now qualified as commercial, to the significant effect of obtaining the greater speed and larger range of admissible evidence of commercial lawsuits, and making prior conciliation mandatory.

ECHR Decision No. 38151/2005 (*Rusen v. Romania*) is expected to cause changes in the local practice, as it held that stamp duty exceeding eight times the party's monthly income infringes access to justice as guaranteed by the European Convention on Human Rights.

In the matter of intellectual property, a strong trend has developed in courts to admit urgent applications for preservation of evidence in matters regarding counterfeits.

A 2007 decision of the High Court of Cassation and Justice denied recognition of an arbitral award considering that it had breached public policy rules in Romania

1 Published in the Official Gazette of Romania ('OGR') No. 833 of 5 December 2007.

2 Published in the OGR No. 562 of 25 July 2008.

3 Published in the OGR No. 123 of 15 February 2008.

(and Article 6(1) of the European Convention on Human Rights) by not ensuring an equitable trial within a reasonable period of time.[4]

III COURT PROCEDURE

i Overview of court procedure

The CPC and other legislation is made available online on various websites, among which the webiste of the Ministry of Justice.[5] Because of the volume and frequency of amendments to existing legislation, including the CPC, especially after 1990, laws are not always republished to include the latest changes. Therefore, texts of laws may be presented by different sources as a compilation of norms as in force at a certain date.

ii Procedures and time frames

Procedures and time frames differ depending upon the nature, object and procedural stage of the claim and the practice of different courts may vary, making it difficult to predict with accuracy the time frame of a court procedure.

Preliminary procedures to taking action are provided in certain matters, pending which the claim is to be denied as either premature, or inadmissible. Most notably, in all patrimonial commercial disputes the claimant must invite the respondent to direct conciliation in an attempt to private settlement before taking action. This prior procedure may be completed in 30 days. Proof that the required preliminary procedure has been completed is required in court.

Civil and commercial disputes are submitted to the competent court at the seat or domicile of the respondent, as a rule. Depending on the value of the litigation (the threshold currently set at approximately 500,000 lei for civil and 100,000 lei for commercial matters the local court or the tribunal adjudicates in the first instance.

The CPC provides the minimal contents for claims but there are no claim forms made available or required by courts. Proof of having paid the legal stamp must be attached. Certain formal requirements may be fulfilled after the issue of the claim, within the term set by the judge. The respondent is allowed at least 15 days (five in urgent matters) between the date of service and the first hearing and must submit an answer at least five days in advance.

All evidence taken in the proceedings must be first admitted in principle by the judge and will be directly administered by the judge. Admissible evidence in court is limited by law and includes documents, witnesses, the interrogatory of the parties, expert reports and on-site assessments.

First instance decisions are usually challengeable by first appeal, an ordinary challenge seeking revision on the merits, within 15 days of service. A timely filed first

4 Decision No. 1450 of 15 February 2007 of the Constitutional Court available at http://www.scj.ro/SC per cent20rezumate per cent202007/SC per cent20r per cent201450 per cent202007.htm.

5 http.//legislatie.just.ro.

appeal automatically stays the enforcement of the decision. New evidence is admissible at first appeal, hence adjudication may occasionally take as long as at first instance.

Decisions passed in first appeal may be challenged by final appeal within 15 days of service. The final appeal is an extraordinary challenge, which may only be filed for limited reasons and does not automatically stay the enforcement of the decision under review. New evidence is usually limited to documents in final appeals and decisions (irrevocable) may be passed even after a single hearing.

Other extraordinary forms of legal redress are revision (for the discovery of new evidence, contrary decisions etc.) and the motion to annul (mainly for lack of jurisdiction).

Court decisions become enforceable on being vested with executory power by the competent local court and are enforced by bailiffs, who are public officers organised under the coordination and control of the Ministry of Justice.

Enforcement may be contested on formal grounds, usually applications containing also a request for a stay, subject to a bond. Decisions passed on such contestations are subject only to final appeal.

Among the available urgent procedures, most common are injunctions, with various applications. They may be filed in civil and commercial matters prior to, or during trial to obtain temporary measures to preserve rights, prevent, mitigate or remedy damages, or eliminate impediments that may forestall enforcement. The court may decide on the application in chambers, without summoning the parties. The injunction with its reasons is released within 48 hours. Injunctions may not settle the case on its merits, are enforceable immediately and challengeable only by final appeal within five days of service.

Urgent applications have been made available in recent years to expedite recovery of debts and alleviate the courts' caseloads. Certain, liquid and exigible debts, civil or commercial, deriving from works and services, recognised by the debtor and ascertained by documents (agreement, invoice) may be claimed by way of a motion to pay, a very commonly used procedure, introduced in 2001.[6]

In 2007,[7] implementing Directive 2000/35/EC on combating late payments in commercial transactions, the injunction to pay was made available, applying to certain, liquid and outstanding debts deriving from commercial agreements between companies or companies and authorities. The court must issue the order within 90 days of registration.

As interim procedures, the CPC makes available injunctions to seize tangible assets or place liens on bank accounts to preserve the rights of the creditor, as well as injunctions for the judicial seizure of litigated assets. Interim applications are filed to the court judging the case on the merits and are settled in chambers, without the summoning

6 Introduced by Government Ordinance No. 5/2001, published in the OGR No. 422 of 30 July 2001.

7 Introduced by Government Emergency Ordinance No. 119/2007, published in the OGR No. 738 of 31 October 2007.

of the parties, by immediately executory order challengeable only by final appeal within five days of service. The court may request the applicant to deposit a bond.

iii Class actions

The CPC recognises the right of associations with legal personality to take action, in the name of their members, to protect their collective interests, damages being awarded to the association, not to the individual members. Representative or collective actions may be filed, for instance, by the Consumer Protection Association, under the Consumer Code, by non-governmental organisations in the field of human rights against acts of discrimination that harm the interests of a community or group of people, by consumer protection associations and other non-governmental organisations, as well as by the National Authority for Consumer Protection against providers of services on the electronic marketplace, but they are still highly uncommon.

iv Representation in proceedings

Under the CPC, any individual with full legal capacity and all legal entities with legal personality may represent themselves in court proceedings.

v Service out of the jurisdiction

Any natural person or legal entity who is a party, a witness or a participant to the civil or commercial lawsuit in Romania may be served judiciary or extra-judiciary documents outside the jurisdiction, with the permission of the court.

Service is made through the Ministry of Justice by mail, directly to the party, or to competent authorities in the country of residence, or to Romania's diplomatic mission or consulate in that country, depending on the provisions of the international conventions in place between Romania and the relevant jurisdiction.[8]

To avoid excessive delays, the parties may be permitted by the court to ensure service by express mail or courier at their own expense, but the practice is not uniform.

Since 2007,[9] courts are permitted to serve persons outside the jurisdiction without the intermediation of the Ministry of Justice. Judiciary and extra-judiciary documents may be served in EU countries by a notary public or bailiffs through the local courts.

vi Enforcement of foreign judgments

Starting from its accession to the EU, the procedure for enforcement of foreign judgments in Romania differs depending on whether the judgment was passed in an EU or in a non-EU Member State.

8 Romania is a party to the 1954 Hague Convention and has concluded a number of bilateral conventions on the matter (among others with Belgium, France, Greece, Italy, Poland, Spain, Hungary).

9 Introduced by Law No. 189/2003, most recently amended in 2007 by Law No. 44/2007 published in the OGR No. 174 of 13 March 2007.

For judgments delivered in EU Member States, Council Regulation (EC) No. 44/2001 on the jurisdiction, recognition and enforcement in civil and commercial matters is directly applicable in Romania. According to this simplified procedure, the interested party submits its application for enforcement to the competent local court, having attached a certificate issued by the court that passed the judgment, and the local court limits its verifications to the enforceability of the judgment.

The procedure for the enforcement of judgments delivered outside the EU requires the interested party to file a request for *exequatur* prior to enforcement.[10] The local court may not revise the judgment on its merits but will verify its enforceability in Romania according to its public policy.

vii Assistance to foreign courts

Assistance to foreign courts in civil and commercial matters may consist in service of process, transmission of legislation and information on legislation, taking of evidence and granting access to justice to foreign citizens. Assistance is provided in answer to letters rogatory from the foreign courts, directly or through diplomatic missions, addressed to the Ministry of Justice, which verifies observance of formal requirements and forwards it to the competent court and collects the answers. Courts of appeal may exchange information directly with courts of equivalent rank in EU states.

viii Access to court files

Hearings in Romanian courts are public as a rule, with few exceptions, and judgments are always passed in public hearing. Information on dates set for hearings may be obtained from the clerk or from the websites of some of the courts. Written submissions and evidence in relation to ongoing proceedings are not available to the public.

After the proceedings are completed, members of the public may obtain information on the name of the parties, the object of the case and the decision passed by the court. Decisions found relevant for the application or interpretation of the law may be published in full in case-law collections, legal reviews, etc.

ix Litigation funding

Support of litigation by a third party is permitted in Romania by way of assignment of litigious rights, following which the assignor loses *locus standi* in trial.

To avoid speculative transactions, the other party in the dispute may, if the assignment was made during trial, purchase the right from the assignee, against the same price as paid by the assignee, with interest, and end the proceedings.

Funding litigation for a share of process is not permitted, but lawyers may charge a retainer to which a success fee is added, determined *pro rata* from the proceeds.

10 Regulated by Law No. 105/1992 republished in the OGR No. 337 of 19 May 2003.

The possibility to request public aid to fund civil litigation was recently introduced[11] for natural persons with residence in Romania or in the EU who are unable to support litigation without jeopardising their or their family's welfare.

IV LEGAL PRACTICE

i Conflicts of interest and Chinese walls

In Romania, lawyers are prohibited by statute[12] from assisting or representing parties with adverse interests. When a conflict of interest occurs lawyers must inform their clients and abstain from revealing any confidential information they may possess. Lawyers may however provide legal assistance to clients with adverse interests if such clients, made aware of the conflict, so agree, or to help them reach settlement. Representation in court of clients with adverse interests is forbidden under any circumstances.

The law permits Chinese walls only based on the consent of the relevant clients, only provided that the law firm ensures confidentiality of information and only for legal assistance in relation to non-litigious matters.

ii Money laundering, proceeds of crime and funds related to terrorism

The law preventing money laundering and terrorism financing,[13] amended in 2008 to fully comply with Directive No. 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, directs lawyers to obtain identification data from their clients before entering an engagement or providing legal services, or whenever they become aware of an attempt to engage in a transaction related to money laundering or terrorism financing. Lawyers must keep the documents attesting their clients identity and the financial transactions performed in the interest of their clients for five years and must submit a report to the National Anti-Money Laundering Office whenever they suspect that a certain financial operation is related to money laundering or terrorism financing.

iii Other areas of interest

Courts may exempt the losing party, normally ordered to bear all legal costs, from reimbursing some of the winning party's lawyers' fees when found excessive.

The legal assistance agreement concluded with the client in compliance with the statutes is deemed a writ of execution and may be enforced on being vested by the competent court.

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11 Introduced by Government Emergency Ordinance No. 51/2008 published in the OGR No. 327 of 25 April 2008.

12 The professional activity of lawyers is governed by Law No. 51/1995 and by the Statute of the Legal Profession, published in the OGR No. 45 of 15 January 2005. Among other sources, see www.baroul-bucuresti.ro/home.

13 Law No. 656/2002 published in the OGR No. 904 of 12 December 2002, recently amended.

Lawyers from the EU may provide legal assistance in Romania on fulfilling formalities required by statute, however there are certain restrictions regarding clients' representation in court.

V DOCUMENTS AND THE PROTECTION OF PRIVILEGE

i Privilege

Romanian law acknowledges a position of privilege in favour of certain categories of people (including lawyers and notaries), based in essence on their profession or relation with the parties, and a privilege of confidentiality for certain information in consideration of its importance.

For lawyers, privilege may consist in exemptions from the obligation to testify, immunity from criminal liability for opinions expressed, or submissions made during the exercise of their profession, protection from orders to divulge professional secrets, confidentiality of all correspondence.

A recent interdiction to intercept and record conversations between lawyers and their clients was declared unconstitutional, on the grounds that, in compliance with the practice of the ECHR, interceptions may be made whenever there is plausible information that the lawyer is involved in criminal activities.[14]

Such rules of privilege apply differently to in-house lawyers only to the extent they are not members of the Bar under an exclusivity agreement with one client, but legal consultants, who are not members of the Bar but employees of the client. For such legal consultants, the obligation of confidentiality is limited in time by contract and negotiable. Similarly to lawyers, legal consultants enjoy protection by the law with regard to the professional documents in their possession, in their office or domicile, which may only be seized based on special authorisation in criminal investigations.

Lawyers who have obtained their professional qualification in EU-states and who exercise their profession permanently in Romania are subjected to the same professional conduct rules as national lawyers. If their activities are only occasional, a difference exists between the case of representation, governed by the same rules as those applicable to nationals, and other services, where the rules of the state of origin will apply, with certain exceptions, such as professional secrecy, which will be governed by Romanian statutes.

ii Production of documents

Under the CPC, each party shall bring the evidence it deems necessary to support its own claims. At the request of the party, the court may order the adversary to produce documents in its possession, where possession is deemed only physical control and not also legal control. It is incumbent on the applicant to prove that the documents exist, that they are in the possession of the opposing party and that they are relevant to the case.

14 Decision No. 54/2009 of the Constitutional Court, published in the OGR No. 42 of 23 January 2009.

The court will verify the legality, credibility, relevance (the logical connection between the requested evidence and the facts it allegedly demonstrates) and conclusiveness of the documents requested. Even if the documents satisfy the conditions, the court will decline the request if the documents contain personal information, are qualified as confidential (for instance, parties' allegations during mediation are confidential and may not be used as evidence in subsequent litigation or arbitration) or when their disclosure could trigger a criminal investigation against a party to the dispute or against third parties. If the documents regard both parties, or have been referred to by the other party in trial, or there is a legal obligation on the party to present the document in court, the request may not be denied.

If the party refuses to produce the document, hides or destroys it, the court will deem the claims for which the document would have served as evidence to have been proven.

The CPC does not expressly regulate a procedure for the production of documents stored overseas, electronically or otherwise. The general rules described above permit however the parties to request (provided they also prove that the documents exist in the possession of the other party), and the court to allow, that documents stored overseas be brought in court as evidence.

Also, the CPC does not address the matter of evidence held by a third party but under the control of a litigant, but requests to produce may be made for documents in the possession of authorities, legal entities or natural persons not parties to the dispute.

The court decides on such request considering the relevance of the documents rather than the relation of control there might be between a party and the entity possessing the documents. If the third party fails to produce the requested documents the court may order it to pay compensation for damages caused by delay.

Special rules regarding the production of documents under the party's control, rather than mere possession, are provided for limited situations in special laws, such as in the case of industrial drawings and designs or in the case of trademarks.

Electronic documents have been added to the list of admissible evidence in 2001.[15] Electronic documents containing an electronic signature have the same power as privately made documents or, if recognised by the party against which they are proffered, the power of authenticated documents. If the document is contested, the court may order expert investigation. A practice in this matter is yet to develop.

Romanian law does not require parties to store electronic back-up versions of their documents. Starting with 1 January 2009, the providers of publicly available electronic services and networks must store certain data (traffic and tracking data only) for six months to make it available to the competent authorities for investigation, detection and prosecution of serious crime, based on authorisation.[16]

15 By Law No. 445/2001 published in the OGR No. 429 of 31 July 2001.

16 By Law No. 298/2008 published in the OGR No. 780 of 21 November 2008.

The costs related to the production of documents made by third parties are borne by the party who made the request. The rule is that the losing party will bear all the legal costs of the proceedings, including those related to the taking of evidence.

VI ALTERNATIVES TO LITIGATION

i Overview of alternatives to litigation

Arbitration is the most common ADR procedure in Romania for matters capable of settlement by arbitration, especially commercial ones. Mediation, introduced in Romania in 2006, transposing the European Council Directive 92/13/EEC of 25 February 1992, is yet to develop a practice. Other available ADR procedures are facultative conciliation, mandatory direct conciliation and other specialised ADR procedures limited to certain disputes (labour law, public procurement).

ii Arbitration

The CPC provides the general rules under which the parties may submit disputes to arbitration either to an ad-hoc tribunal or to one organised at a permanent court.

In ad hoc arbitrations, parties may choose the rules to govern the arbitration, either directly or by reference to an established set of norms, and within the confines of public policy rules.

The most used form of arbitration, however, is institutionalised arbitration carried out under the auspices of permanent courts. Most arbitration requests are referred to the Court of International Commercial Arbitration attached to the Romanian Chamber of Commerce and Industry, established in 1953, seated in Bucharest, which handles international as well as local, commercial and civil disputes. The Arbitration Rules of the Court, available on its website[17] are completed by the general rules provided by the CPC. The number of arbitrators in a panel is limited to three under the Court's Rules.

The parties may agree to have one arbitrator or a tribunal formed of two or more arbitrators. If the parties fail to provide the number of arbitrators, the tribunal shall be formed of three arbitrators, two appointed by the parties and a president appointed by the arbitrators. Romanian parties may only appoint Romanian arbitrators in internal and international arbitrations governed by Romanian law.

Unless the parties otherwise agree, arbitral tribunals must deliver the award within five months from constitution, with possible extensions of up to two months. During interim requests the five-month term is suspended. These terms are doubled for international arbitrations.

Arbitral awards are final and binding for the parties and may only be challenged by action for annulment, within one month of the issue of the award, for reasons provided limitedly by the CPC (such as invalidity of the arbitration clause, the matter was not arbitrable, the award breaches public policy rules).

The action to annul the award is filed at the immediately superior court to the court competent to settle the dispute lacking the arbitration agreement. The court settling the

17 http://arbitration.ccir.ro/

action for annulment may stay the enforcement of the award provided a bond is placed by the interested party. The decision of the court is challengeable by final appeal.

The number of arbitrations has significantly increased in the past years, especially in commercial matters, but arbitrations are not yet very common due especially to the costs of the proceedings, which are perceived as exceeding the costs of a dispute in court, and which, if the parties do not agree otherwise, are borne by the losing party.

Also, with limited grounds to appeal against an award, parties may prefer to issue their claims in court, where a double level of jurisdiction is available. In practice, annulments of arbitral awards are rare.

To make arbitration more appealing to the public and provide a viable alternative to the urgent procedures made available for settling creditor-debtor disputes, the Court of International Commercial Arbitration has recently adopted procedures for an expedited arbitral procedure, wherein the award is to be passed in approximately one month from application, and for an electronic expedited arbitration, where the procedural steps are carried out online. A practice is yet to develop in this regard.

Foreign arbitral awards are recognised and enforced in Romania in compliance with the New York Convention, to which Romania has been a party since 1961, and its respective domestic law.[18] An award is deemed 'foreign' if passed outside the jurisdiction or if not domestic due to a strong preponderance of foreign elements. Foreign arbitral awards must be first acknowledged executory power in Romania (*exequatur*) to be enforced, but the two applications may be made concomitantly.

iii Mediation

Even though the Romanian Chamber of Commerce and Industry provided the service of mediation since 2003, among other ADR mechanisms, mediation has been only recently regulated in Romania, in 2006,[19] in compliance with the recommendations of the European Council regarding mediation and with a view to expand the existing legal framework of ADR procedures.

Parties may resort to mediation prior to initiating court action or by discontinuing a pending lawsuit. In both cases, agreements reached through mediation are deemed private instruments but may be authenticated by the notary public or submitted to court to be embodied in an award, challengeable only by final appeal. Mediators had their own professional body, the Mediation Council, established in 2008.

Mediators from EU states may have their qualifications recognised in Romania by the Mediation Council, while mediators from non-EU states may practise in Romania on recognition of their qualifications by the Ministry of Education and Research or specialised training.

The public awareness on mediation is relatively limited and the practice is still in an incipient stage. Efforts by the business and legal community to promote mediation as a preferable method of dispute resolution to court trial, as well as pilot projects developed by the Ministry of Justice seeking to implement mediation as an alternative to

18 Law No. 105/1992 published in the OGR No. 245 of 1 October 1992.

19 Introduced by Law No. 192/2006 published in the OGR No. 441 of 22 May 2006.

court in settling family disputes are expected to increase the assimilation of mediation as an efficient ADR procedure. With no restriction in establishing mediation centres under the law, the number of associations providing and promoting the service of mediation is constantly increasing.

iv Other forms of alternative dispute resolution

Conciliation as an ADR form is available in Romania, under the Rules for facultative Conciliation approved by the College of the Court of International Commercial Arbitration at the Romanian Chamber of Commerce and Industry in 1999.

An application of the idea of direct conciliation between the parties prior to issuing claim is provided by the CPC, which makes direct conciliation a pre-action protocol mandatory in all commercial pecuniary disputes, failing which the claim is denied by courts as premature.

More specialised forms of conciliation are provided for disputes concerning public procurement agreements, where conciliation may be carried out by a European Commission-accredited conciliator whenever actions or omissions of the contracting authority infringe European norms in the matter. Land improvement associations may offer conciliation upon request to their members, resulting in a decision binding for the parties and challengeable in court.

In labour law matters, conciliation is a mandatory phase while mediation and arbitration are optional.

VII OUTLOOK & CONCLUSIONS

Romania is looking at a large modification of its fundamental codes in the near future, including a new Civil Procedure Code, a new Civil Code, a new Criminal Code, a new Criminal Procedure Code and an Administrative Procedure Code.

The new Civil Procedure Code is set, among others, to expedite and simplify procedures, including service of process, modify competency rules and the existing structure of the appeals, restructure the procedure of enforcement and include special procedures currently regulated by laws external to the CPC. Significant innovations include: the principle of a 'reasonable and optimal time frame' for a lawsuit, a procedure for the international civil lawsuits, currently not regulated, the possibility to request a preliminary decision from the High Court of Cassation of Justice on a matter prior to its settlement on the merits, and the possibility to file a motion against a party stalling proceedings.

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Levana Zigmund is a partner in the firm's dispute resolution practice group. She practises in the areas of public international arbitration and dispute resolution, corporate law, as well as mergers, acquisitions and privatisations. She is one of only a handful public international arbitration lawyers in Romania, having been involved in major international arbitration cases brought against Romania to the International Centre for the Settlement of Investment Disputes (ICSID) as part of the team representing the Romanian government. Her expertise also encompasses arbitration under the leading institution rules, including under the UNCITRAL Rules and the International Chamber of Commerce. She has acted in complex commercial, real estate, fiscal and administrative disputes. Levana Zigmund has represented public and private companies in joint ventures, corporate governance matters, corporate and commercial transactions, business transfer projects, cross-border investments as well as shipping and transport projects.

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