

# The New Civil Code for Everyone

## SUSPENSION OF THE LIMITATION

### Cases of Suspension of Limitation in General

Limitation only starts, and if it has started, it is suspended:

1. between spouses, as long as the matrimony is still valid and they are not separated in fact;
2. between parents, legal guardian or curator and the persons lacking legal competence or with restrained legal competence or between curators and the ones they represent, as long as the guardianship is valid and the accounts have not yet been delivered and approved;
3. between any person who, according to the law, a judicial decree or a legal document, administrates someone else's assets and those whose assets are thus being managed, as long as the administration has not ended and the accounts have not yet been delivered and approved;
4. in case of the person lacking legal competence or with restrained legal competence, as long as they have no legal representative or caregiver, except for the cases when there is a contrary legal provision;
5. as long as the debtor, deliberately, hides from the debt holder the existence of the debt or its enforceability;
- 6.<sup>7)</sup> on the entire duration of negotiations carried out with the purpose of solving out-of-court the disagreements between the parties, but only if these were held during the last 6 months before the expiry of the limitation deadline;
- 7.<sup>7)</sup> in case the person entitled to the claim must or can, according to the law or the contract, use a certain preliminary procedure, such as the administrative claim, the attempt to conciliation or other similar, as long as they did not know and was not supposed to know the result of that procedure, but no more than 3 months after the triggering of the procedure, if by law or by contract no other deadline is established;
8. in case the owner of the right or the one infringing it is a member of the armed forces of Romania, as long as these are in a state of conscription or war. Also included here are civil persons working within the armed forces for job reasons imposed by the war necessities;
9. in case the person against whom the limitation is or should be running is prevented by a case of force majeure to make acts of interruption, as long as this obstacle is still in place; force majeure, when temporary, is not a reason to suspend limitation unless it appears in the last 6 months before the expiry of the limitation deadline;
10. in other cases as provided by law;

### Suspension of limitation in succession matters

- limitation does not run against the creditors of the deceased with regard to the claims they have on the estate as long as the latter has not been accepted by the would-be heirs or, in default of acceptance, as long as a curator has not been appointed to represent them;
- it doesn't run either against the heirs of the deceased as long as these have not accepted the inheritance or no curator has not been appointed to represent them;
- the limitation doesn't run either, against heirs, in relation to the debts which they have on the inheritance, from the date of acceptance of the inheritance until it is liquidated.

**Project „The Codes Are Coming!”**

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### **Effects of the Limitation Suspension**

- from the date when the reason of suspension has ceased the limitation is resumed;
- for the reaching of the deadline the time lapsed before the suspension is also taken into account;
- the limitation will not be accomplished before the expiry of a 6 months deadline since suspension has ceased, except for limitations of 6 months or shorter, which will not be accomplished until the expiry of a deadline of one month from the cessation of suspension.

### **Benefit of the suspension of limitation**

Suspension of the limitation can only be invoked by the party which was prevented to make acts of interruption, except for the case in which the law provides otherwise.

### **Extension of the Suspension Effect**

The suspension of the limitation towards the main debtor or the fidejussor generates effects in relation to both of them.

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