UNIVERSITATEA „ LUCIAN BLAGA” SIBIU
FACULTATEA DE DREPT „ SIMION BĂRNUŢIU”
ŞCOALA DOCTORALĂ

TEZĂ DE DOCTORAT

APELUL ÎN DREPTUL PROCESUL CIVIL

-rezumat-

CONDUCĂTOR ŞTIINȚIFIC,
PROF. UNIV. DR.
LEŞ IOAN

DOCTORAND,
BUZILĂ VASILE IOAN

C O N T E N T S

A. THE IMPORTANCE OF EXEGESIS, THEORETICAL AND PRACTICAL

If we consider the purpose and importance of their regulatory remedies are indispensable in any modern procedural system , whether civil or criminal , to correct errors of law in view of the merits , the process , or the breach of procedural rules . Because of these considerations , the broad appeal of civil trial matters in general, but especially in the Romanian procedural law that has undergone as well known a process of modernization and harmonization with European legislation, the new Code of Civil procdură , of particular importance in terms of both the number and especially the complexity of procedural institutions involved in this field of controversial legal issues that give rise to new and new interpretations and correlation with other institutions forming civil trial law in scale, and especially in terms of practical purpose for which remedies are regulated , is to pave the way for judicial review on the legality and validity of a court ruling by a lower court or other organs, mostly administrative , that are not part of the judiciary.

We affirm without error, that complex set of remedies, both in the opinion of the majority of all practitioners and theorists of law, it highlights the important call. We justify that such a finding is consistent defining characters of the call, in that appeal, the appeal is ordinary common reformer devolutive and suspension of execution, allows correction of a decision almost entirely ungrounded and illegal, is the exponent of the double degree of jurisdiction and is not only a judicial remedy but jurisprudential one, it provides the first level desired homogenization practice courts in interpreting and applying the rules of law.

This is one of the reasons I chose the topic of this thesis call the institution as it is currently regulated in Romanian civil procedural law and as reflected in the new Code of Civil Procedure, in judicial practice newer old or current, that being only an ordinary appeal may be exercised by either party to the dispute or the prosecutor, or the legal conditions and elsewhere, for any dissatisfaction, in fact or in law, to cause another trial on the merits, call the only remedy which

the law does not provide reasons.

Within this theoretical research institution is approached from the perspective of call procedures in place new regulations on 15 February 2013 of the New Civil Procedure Code, through the innovative provisions thereof, but coupled with the old saying: that the current regulations soon will become history, but times that history but a Procedure of a foundation, a strong roots that can graft the new regulation, the analysis is discussed in terms of comparison between the two legislations, but also marking the entry into force of the Law No. 202/2010, dubbed, small reform ", just because in the Civil Procedure Law, as in all subjects who introduced new ways, new legislation modernizing the precede trial.

Finally it must be stressed that we chose to perform research appeals, procedural law of our system compared with other systems of law, and consisting primarily of French civil procedure system, a permanent and valuable reservoir of inspiration continuous process of upgrading our system and compared with the settlement of this lawsuit appeal Italian Portuguese, German, American English, Spanish, Swiss, through the law of similarity Romanian, but also because those laws were less doctrinaire reviewed by our reputation.

It should be added that, as a whole, this thesis was based on a careful examination of the doctrine and national jurisprudence, this effort focusing mainly on the analysis of known doctrinaire, practical decisions, from the courts on all levels of jurisdiction that have the competence judgment call, so this paper combines with the existing precedents doctrinal presentation given in the call.

B. STRUCTURE

In terms of form, the work plan is divided into six chapters, consisting of sections and subsections after stretching, the end of the work being bibliography entire sentence totaling 370 pages and 717 footnotes.

The bibliography includes many works by Romanian legal literature, and foreign embodied in treaties, studies, monographs, articles, an extensive case law, both national courts and the European Court of Human Rights or the courts of the other systems analyzed comparative law, also many laws and applicable decisions of the Constitutional Court in the thesis.

In terms of content, the thesis aims institution plan call from a historical perspective, the concept of civil trial phases of the trial, the appeals and classification, to the principle of the double degree of jurisdiction outlined by European and domestic norm in definition and conception of appeal, appeal forms in our current legislation, but as I said in the oldest subject, subjects and time of call, the formal exercise of its jurisdiction to hear the appeal, and the trial procedure specifies that single attack ordinary means devolution of our procedural system.

This analysis could not end without the research settlement procedure, possible solutions appeal addressed both from the old regulations, but also through substantive changes made in the matter of the New Code of Civil Procedure.

Such as, ***Chapter I***, entitled "Appeal, ordinary appeal in the civil trial" concept emphasizes the importance of the call, the historical evolution of its regulation in the context of other remedies, the principle of double instance European Romanian legislation and the organization of the review which provides double degree of jurisdiction and other legal systems.

The first section of this chapter is devoted to the notion of focusing on the particularățile lawsuit brought by the New Code of Civil Procedure, and the current phase of its deployment, the last stage, court decision.

In the second subsection, Considerations on the importance

and evolution of appeals, we have shown along the development time of review, in particular the call, then shown in the following subsection global and European perspective on the principle of double degree of jurisdiction in the next subsection we talked about the importance and classification of remedies doctrine, the very important role of remedies in any system of law. And finally call the dominant position in the Romanian system of appeals, as the expression of the double degree of jurisdiction and our internal law.

Chapter II is dedicated , Rules for the establishment and exercise of remedies , namely the reference to the existence of a trial court ruling that the law appears likely to declare attacked by an appeal , and the manifestation of the will of the party interested to pursue the appeal through its declarearea next subsection refers to the legality of remedies , namely the need for them to be included in the legal norms in force at the time of its exercise , such remedies hierarchy , the hierarchy of procedural steps and regarding the exercise only ordinary remedy is appeal , then the appeal extraordinary ways , the appeal for annulment and revision . Follow to the end , the uniqueness of the right to exercise an appeal and finally as a final rule, but not the last, the aggravation of the situation side effects of their remedies , with some exceptions of course known .

Chapter III is devoted to regulating the call, defining it as the common way, ordinary appeal reformer, devolutive and suspension of enforcement of a judgment which provides correction groundless or unlawful, is not only a judicial remedy, but one jurisprudential, providing first-level organization of the practice courts in implementing and applying the rules of law. We call defined as procedural middle where an interested party or attorney request cancellation, change or set aside the judgment given at first instance, which is an established definition of the doctrine because, unlike French law that includes a clear and explicit call, our rule of Civil Procedure establishes no such definition.

In the second section of the third chapter we present headquarters , instead call the Romanian procedural rule and its forms, call the reintroduction institution , based on its appearance in our history and to its regulatory submission current Romanian law system.

In addressing these developments, we paid particular attention to legislative changes introduced in the field call after reintegration into the system of remedies by Law . 59/1993 , when the revival of the notion , that the revolution of civil procedural law . But as is well known , some of the original texts of the old Code , as they were returning to their economy through the enactment above -mentioned present some inaccuracies and even reality gaps related to the situation in the Romanian society development and evolution of many legal situations that were born , the particularities of this reality, so that such texts on appeal have been subsequently many changes , rearrangements to date, the institution that made the call, including the aspect of competence for solving one of the subjects often subject to change , the effects of such procedural sinusoids with obvious consequences and the handling of cases in a reasonable time , leading to paradoxical trial , retrials decades , faction of a lack of uniformity of practice among courts , located just over the same judicial district , in the same court of appeals or district court , and ultimately the quality of justice .

Under the third, fourth and fifth in this chapter I have tried a comparative presentation of the three forms of appeal, mainly incident and caused the new procedural rules, and the light was better said parallel current legislation, regulation of the Code of civil Procedure, as still are, as is well known under the old regulatory process started, in progress, and will resolve it as required by the New Code of Civil Procedure have provided transitional rules after the old regulation.

These sections outstanding at how the last two covered call options in the New Code of Civil Procedure, and through a comparative analysis between the main appeal and the other two forms, analysis reveals that this comparative approach goes beyond a simple comparison , to call purely theoretical, is of utmost importance to practitioners more accurate understanding of the former names more uninspired 'accession to call "and especially the clear distinction that marks the difference sometimes very high fineness of the call and the incident causing, on the one hand, and the primary call on the other side.

I could not end this without call progress analysis to highlight the regulation of conception New Code of Civil Procedure which has proposed changing the current system to work on, as

commonly known by professionals in mind primarily modern views on the conduct of civil proceedings, the role and duties of participants in the process, starting from its current ambitions, and individuals access to resources and procedural forms more accessible and simpler, especially accelerating proceedings. As shown previously in the call, and the concept of the new Code, it remains only an ordinary appeal, and changes of the review were analyzed in detail in the contents of this thesis.

Section four of chapter three was devoted to an analysis of cross-appeal, from the concept and its rules, including in terms of the historical evolution of this regulation, considering essential to emphasize that to have a clear vision of the process, the nature of highlight the position of the parties, and their compliance with the mandatory rules of procedure, the appellate court must carefully consider an application form to be qualified as incident call, although critics alleging that highlight their dissatisfaction of the owner on his judgment, should be a "reply" to the main appeal of the party that originally did not want to bring the dispute to a new stage of proceedings.

This is because such an application can hide a main appeal promoted over time and to easily qualify the incident call encourages abuse party attempt to circumvent the rule governing the term imperative tone.

Appeal analysis incident continued to emphasize the characteristics of standing, active and passive, respectively, in call incident. The first condition for justifying the legal standing to promote a call incident, is to be respondent in the main appeal, this condition is necessary but not sufficient, since the essence of the variety of call is the fact that the respondent holder application called the decision to want reform, but also to protect themselves from a possible change of the sentence, the effect of promoting the main appeal, side by side. Also in terms of passive standing in call incident, it is clear that it belongs to only party with interests contrary to the respondent, and that the main appeal.

This bending of the incident call could not continue without the highlighting rules of procedure call incident, investigation of these rules debuting the analysis period can be exercised such a request, continuing to shape the conditions that must meet the appeal incident , that is to be subject to the same formal requirements as the main

appeal. In this section, the defense must disputed issue compulsory presence of this call, I advocate the opinions expressed on this issue, namely that the defendant calling the incident is still obliged to filing the answer to the call mainly because the two acts procedures followed somewhat different purposes, ie mainly reject call, greeting, and change the background in favor of the declarant sentence-appeal, but will be submitted at the same time.

In section five of chapter three we examined institution call caused, starting with the concept and the regulation of this variant call in the Romanian law, standing and scope of the call caused stressing that, unlike appellate incident, the objective of the call cause is related to a possible risk, ie the owner of this appeal seeks to avoid the risk of being worse situation process încazul that would change the sentence after admitting primary call. As call incident, we examined procedural rules call caused, and possible solutions for promoting such applications, which are very similar to those of call incident known fact that rule is challenged call a variety of cross-appeal, otherwise we in agreement with most of our doctrinarians.

The penultimate section of this chapter examines the organization of the call as the guarantor of the double degree of jurisdiction, and in other legal systems. I paid special attention system Civil Procedure Italian and French but of course, also a comparative analysis of our organization focused aspects of systems as English, American, Spanish, portghez, German, and Swiss. This section reserved comparative law is to introduce the research topic of this thesis mailing us and possibly solutions adopted in other states.

In section five of chapter three we examined institution call caused, starting with the concept and the regulation of this variant call in the Romanian law, standing and scope of the call caused stressing that, unlike appellate incident, the objective of the call cause is related to a possible risk, ie the owner of this appeal seeks to avoid the risk of being worse situation process încazul that would change the sentence after admitting primary call. As call incident, we examined procedural rules call caused, and possible solutions for promoting such applications, which are very similar to those of call incident known fact that rule is challenged call a variety of cross-appeal, otherwise we in agreement with most of our doctrinarians.

The last section of this chapter three I attributed it to a key

issue that is the subject matter of the appeal that the analysis of judgments that can be attacked with this remedy , and identify parts of a judgment call that can justify initiating judicial review. The first subsection deals with the enumeration of decisions subject to appeal , based on the rule established by art . 466 New C.proc.civ . , Which provides that judgments are subject to appeal in the first instance , whatever the nature of the dispute that the sentences . Were highlighted exceptions to this rule that those categories that are exempt judgments can be appealed , the judgments of the courts of appeal , because the legislature vision and Justice High Court of headphones can not be competent judge call, devolutive about what role can upload any court , but like we were no longer given the supreme court must be concerned with the required uniformity of judicial practice , the transformation to be desired instance.

Penultimate section deals with the regime affected interlocutory appeal, based on the provisions of art. 282 para. 2 of the previous legislation, which enshrines the principle of the inadmissibility of attacking separate appeal prior decisions, but highlighting derogating exceptions to this rule.

This section concludes with an analysis of part of the decision may be the subject of the call, from the question raised earlier in doctrine if the call can only target device of a judgment or other parts of it, and the opinion somewhat since we were voices in the past have argued that considerations can be contested if the caller is affected by them, or they are wrong or foreign to the nature of the case before.

Chapter IV is devoted to the parties on appeal and is demunit , subjects the call . In this part of the study have been analyzed extensively in the eight subsections , first we showed that it is natural that the responsible parties are parties and on appeal . The two conditions required for the exercise of the right of appeal - distinct lack of procedural capacity and its penalty , whatever the capacity of use , or exercise, respectively in the next , standing , who must subsist throughout the process , and except for the lack locus , a condition assertion of a subjective right , interest , locus specificity and interest for third parties . In the third subsection we artat what persons may incite call and the incident caused , then I refer to the party who auparticipat the judgment at first instance, which have applied

apesoenelor intervention but it has been rejected, but and provided that the party has not expressly waived the call.

We analyzed in the fifth section, the situation of witnesses and experts, which can in certain circumstances to attack her substantive sentence, and section six, the situation of other people who took part in the trial on the merits, and a subsection of this introduction we discussed the situation of the parties concerned in the appeal. We analyzed the special prosecutor in the civil appeal and support by declaring that the new procedural rules than the oldest. And in the last section representation of parties on appeal, legal representations, derived from law, protection, and the conventional reference to the contract attorney, conditions, and exceptions.

Chapter V is dedicated, referral to the court of appeal. The first section will analyze the court jurisdiction to hear the appeal, which is quite easy, because it is immediately superior court which tried the background, and so on we have shown, it is the County Court, that the Court of Appeal which is in charge of that court. In this section of the paper I dealt with jurisdiction to call for, first, through the time evolution of rules governing the competence development marked the reintroduction period immediately following the call for legislative changes characterized by high effervescence, adopted in a relatively short period of time and unclear legislation with provisions, without transitional rules or the transitional rules ambiguous issues that led to the delivery time of different solutions in practice.

The next section is entirely allocated extensively analyzing the term of appeal, change its extension from the previous 15 days to present within 30 days, extremely important in my opinion, the section from historical considerations on this then in the next subsection starting point from which the calculation of the time period for appeal following subsection refers to the principle echipolenței, following the calculation of the term, interruption, suspension and reinstatement teremenul call, then I did some practical considerations , sixth subsection represented by failure to appeal the sanction analysis and final subescțiune I fîcut a brief but necessary regulations parallel comparison, the previous and the new Code of civil Procedure.

Section three of chapter five is on , call request , with

appropriate subsections , ie elements that the law provides for the request , form, mandatory written form , and in relation to its request for appeal ie elements identifying the party which makes the call, appearing the judgment is appealed , the grounds appeal on fact and law, the evidence in support of the appeal, an appeal signing and stamping , filing , înregistrareaşi submitting this application to the court for judicial review . Where have submitted this request to the sentencing court background stamping an appeal according to law 146/1997 and subsequent amendments , repeal judicial stamp duty in 2013 , and very extensively in the fifth subsection we analyzed the effects of demand call , from concept and their delimitation , through suspensive effect , that of investing judicial court to establish the stage appeal process , and until the end of the chapter subsection , namely its effect Devolution known principles , tantum devolutum quantum apelatum , the procedural requirement of the principle of availability , namely appellate court is limited to investigating only because of the reasons stated in the appeal , it will decide within the limits specified, and quantum quantum devolutum judicatum , effects may alter not only call on what was judged the first instance , establishing clear procedural new regulation limits the judgment on appeal, there may be requests , claims we change the quality side. Also , it seemed essential to specify that, in the case of a variety of call, incident or provoked the principle of non reformatio in pejus no longer apply , its effects being removed as first-instance judgment may be amended , and may i aggravate the situation caller principal who triggering judicial procedure , made possible call and the incident caused .

The last chapter focuses on the analysis , settlement procedure call , the new rules of procedure prior preparatory trial court that the judgment call, compleraea or change an appeal , after the conditions imposed by law, must calling party shall be communicated by preseditele court or his designee . This person will communicate the call respondent is required within 15 days of receiving notification, lodge greeting , which in turn shall notify the caller that he submit to the defense response , the appellant shall take cognizance of the case file. So receiving the dossier , the president of the appeal court , he takes some preparatory steps , the random distribution of the file, and set the first hearing within 60 days of the resolution, and of course compliance requirements citation parties on appeal . Then we made a comparison to the old procedural rules to meet amtratat

secțunea two widely followed reasons, defenses and evidence on appeal, ensuring action by sequestration in case of need.

In the fifth section we reached, judgment call, and to debate the merits of the appeal, which is compatible with the basic principles and general provisions, even the debate stage to the fund if the call counter. We treated the first subsection of this section, divestment, giving the judgment of the possible cases in the two parallel regulations, then leaned on the solution first instance, the total or partial eprese.

Sixth section of the last chapter of the thesis dealt analyzing judgment call features and call incident caused. I continued in the next section, the seventh with extensive treatment of the non Reformatio exceptions in pejus.

Section eight is the solutions can pronunșa appellate court, those that depend on how the trial court committed error, reject call, why cntează not considered lead to substantive sentence completion. We and cancel when asked does not meet the legal and obsolete call, the calling party's fault he remained in inactivity. The appellate court could in the old regulation to retain or change the judgment of the merits, and I leaned on this possibility, I mean of course and raising the appeal fund.

In a new section we have analyzed the judgment on appeal settled by rejection, change the judgment by ruling on the merits due to dd evocation right, then I looked aside the judgment of first instance in the previous regulatory eleventh section following reasons nullity of the call, and natural right of appeal against the decision to cancel. Thirteenth section examines in more detail the requirements on the design and drafting of judgment and reasoning in the next section obligation solution adopted by the court of appeal in light of the New Code of Civil Procedure and European standards mandatory.

The fifteenth section we treated împotriva appeals the judgment on appeal, correction, clarification and supplementing compared with previous regulatory Enforcement appeal to the paths of the appeal, the appeal for annulment of the two modalities and review rigor only in expository manner , succinct, without claiming to be clarified many of the issues raised by these institutions trial but did obicectul other exegeses likely broader than this . I treated and the appeal on points of law which is given in our supreme court also leaned on novelty and its referral to a ruling prior to unraveling the

legal issues , as interesting novelty so demanding and not least on delaying the appeal brought everything in the light of European Community law the observance of , optimal term , predictable , and as short as possible to stop the train in Court cases to be tried along several years.

And for that, too soon after the advent of the new Code of Civil Procedure, to me as a practitioner not allowed me an overview, panoramic new regulations, only certain sections fingering at first, if I may say so, I concluded optimistic spirit, progressive spirit of any legislative or scientific news is welcome in my opinion for all Romanian legal system.

BIBLIOGRAPHY

I. Tratate , Cursuri, Monografii, Dicţionare.

A. BACACI, Exceptiile de procedură în procesul civil, Ed. Dacia , Cluj-Napoca, 1983.

C. BÂRSAN, Conventia Europeana a Drepturilor Omului , vol. I, Ed. All Beck, Bucuresti , 2005.

G. BOROI, O.SPINEANU-MATEI, A. CONSTANDA, C. NEGRILA, V. DĂNAILĂ, D.N. THEOHARI, G.RĂDUCAN, D.M. GAVRIŞ, F.G. PĂNCESCU, M. EFTIMIE, Noul Cod de procedură civilă,Comentariu pe articole. Vol. I art. 1-526, Vol.II art.527-1133. Ed.Hamangiu, Bucureşti, 2013.

G. BOROI , O. SPINEANU-MATEI , Codul de procedură civilă adnotat, Ed. All Beck, Bucuresti, 2005.

G. BOROI , D. RĂDESCU , Codul de procedură civilă comentat si adnotat, Ed. All, Bucuresti, 1995.

L. CADIET, Droit judiciaire prive, Ed. Litec, 2000.

V.G. CĂDERE, Tratat de procedură civilă, Ed. Cultura Natională, Bucuresti, 1928.

V.G. CĂDERE, Tratat de procedură civilă, după legile de unificare şi legile provinciale în vigoare, Ed. Tipografiile Române Unite SA, Bucuresti, 1935.

V.M. CIOBANU, Tratat teoretic si practic de procedură civilă, vol. I,II, Ed. National, Bucuresti, 1997.

V.M. CIOBANU, Drept procesual civil, vol I,II , Universitatea din Bucuresti,1988.

V.M.CIOBANU, G.BOROI, Drept procesual civil. Curs selectiv.Teste grilă., ed. a 3-a, Ed. All Beck, Bucureşti, 2005.
V.M.CIOBANU M. NICOLAE, Noul Cod de procedură civilă.Comentat şi

adnotat. Vol. I. art. 1-526. Colectiv de autori, Ed. Universul Juridic, Bucureşti, 2013.

F. CIUTACU, Codul de procedură civilă român adnotat, Ed. Sigma, Bucuresti, 2001.

M. CHELARU, Apelul în procesul civil. Texte comentate , Ed. Holding Reporter, Bucuresti, 1997.

G. COMĂNITĂ, Drept civil.Contracte speciale, Ed. Universitătii Lucian Blaga, Sibiu, 2006.

A. CONSTANDA, Sanctiunile in procesul civil.Practica judiciara. Ed. Hamangiu, Bucuresti, 2007.

M. CONSTANTINESCU, I. DELEANU, A. IORGOVAN, I. MURARU, F. VASILESCU, I. VIDA, Constitutia Romaniei comentata si adnotata , Regia Autonoma „Monitorul Oficial, Bucuresti, 1992.

H. CROZE, C. MOREL, Procedure civile, PUF , 1998.

M.N. COSTIN, I. LES, M.S. MINEA, D. RADU, Dictionar de drept procesual civil, Ed. Stiintifică si Enciclopedică, Bucuresti, 1983.

V. DAGHIE, Căile de atac de reformare în procesul civil, Ed. Naţional, Bucureşti, 1997.

E. DAN, Codul de procedură civilă adnotat, Atelierele grafice Socec & Comp., Bucuresti, 1910.

E. DAN, Codul de procedură civilă adnotat, Bucuresti, 1914.

I. DELEANU, Tratat de procedură civilă, vol.I-III, Noul Cod de procedură civilă, Ed.Universul Juridic, Bucureşti, 2013.

I. DELEANU, Tratat de procedură civilă, Ed. Wolters Kluwer, 2010.

I. DELEANU, Tratat de procedură civilă, Ed. All Beck, Bucureşti, 2005.

I. DELEANU, Tratat de procedură civilă,vol. I-III, Ed. Servo-Sat, Arad, 2000 şi 2001.

I. DELEANU, Procedura civilă, vol. I-II, Ed. Servo-Sat, Arad, 1999.

I. DELEANU, V. DELEANU, Hotărârea judecătorească, Ed. Servo-Sat, Arad, 1998.

I. DELEANU, Drepturile subiective si abuzul de drept, Ed. Dacia, Cluj-Napoca, 1998.

I. DELEANU, Procedura civila, Fundatia „Chemarea„ Iasi, 1993.

E. DUMONT, De l'organisation judiciaire et de la codification extraits de divers ouvrages de jeremi bentan, Paris, 1828.

P. van DIJK, G.J.H. van HOOF, Theory and Practice of the European Convention on Human Rights, Kluewr Law International, 1998.

E. FLORIAN, Puterea lucrului judecat în materie civilă, Ed. All, Bucuresti, 1997.

M. FODOR, Probele in procesul civil, Ed. Universul Juridic, Bucuresti, 2006.

G.C.FRENŢIU,D.-L. BALDEAN, Noul Cod de procedură civilă.Comentat si adnotat., Ed. Hamangiu, Bucuresti, 2013.

G.C.FRENŢIU,D.-L. BALDEAN, Codul de procedură civilă comentat si adnotat (comentarii pe articole, decizii ale C C, hotărâri CEDO, elemente de drept comunitar), Ed. Hamangiu, Bucuresti, 2008.

S. GUINCHARD, Repertoire de procedure civile, Ed. Dalloz, 2000.

M. GUŢAN, Istoria dreptului romanesc, Ed. Universitatii Lucian Blaga, Sibiu, 2004.

C. HAMANGIU, N. GEORGEAN, Codul civil adnotat, Ed. Socec & Co., S.A.R., vol. I-IV.

C. HAMANGIU, R. HUTSCHNEKER, G. IULIU, Recursul in casatie si contenciosul administrativ , Ed. Nationala S. Ciornei, Bucuresti, 1930.

HANGA SI COLAB., Istoria Dreptului Romanesc, Ed. Academiei R.S.R., Bucuresti, 1980.

P. HEBRAUD, La voie d'appel in coloque des instituts d'etudes judiciaires, Aix-en-Provence, Universitatea Aix, 1963.

E. HEROVANU, Legea pentru accelerarea judecătilor din 11 iulie 1929 explicată si adnotată, Ed. Cultura Poporului, Bucuresti, 1937.

E. HEROVANU, Curs de procedură civilă, Ed. O. Mihăiță, Bucuresti, 1929-1930.

E. HEROVANU, Tratat teoretic si practic de procedură civilă, vol I-II, Institutul de arte grafice Viata Românească, Iasi, 1926.

A. HILSENRAD, I. STOENESCU, Procesul civil in RPR, Ed. Stiintifica, Bucuresti, 1957.

P.N. KERLEY, J. BANKER HAMES, P.A. SUKYS, Civil Litigation, 2nd edition, Delmar Publishers, Albany, New York, 1996.

F. KERNALEGUEN, Isttutions Judiciaires, Editions Litec, Paris ,1999

I. LEŞ, Noul Cod de procedură civilă.Comentriu pe articole. Ed. C.H. Beck, Bucureşti, 2013.

I. LEŞ, Tratat de drept procesual civil. Ediţia 5.Cu referiri la Proiectul Codului de procedură civilă, Ed. All Beck, Bucuresti, 2010.

I. LEŞ, Codul de procedură civilă. Comentariu pe articole., Ed. C.H. Beck, Bucuresti, 2007.

I. LES, Institutii judiciare contemporane., Ed. C.H.Beck, Bucuresti, 2007.

I.LEŞ, Tratat de drept procesual civil, Ed. All Beck, Bucuresti, 2001,…2005.

I. LEŞ, Organizarea sistemului judiciar românesc. Noile reglementări., Ed. All Beck, Bucuresti, 2004.

I. LEŞ, Sisteme judiciare comparate, Ed. All Beck, Bucuresti, 2002.

I. LEŞ, Principii si institutii de drept procesual civil, vol.I-II, Ed. Lumina Lex, Bucuresti, 1998-1999.

I. LEŞ, Sanctiunile procedurale în procesul civil român, Ed. Stiintifică şi Enciclopedică, Bucuresti, 1988.

P. MALAURIE, Antologia gândirii juridice, Ed. Humanitas, Bucuresti, 1997.

T. MREJERU, Exceptii privind instanta si procedura de judecată., Ed. Rai, Bucuresti, 1997.

C. NEGRILĂ, Apelul in procesul civil.Practica judiciara., Ed. Hamangiu, 2007.

V. NEGRU, D. RADU, Drept procesual civil, Ed. Didactică si Pedagogică, Bucuresti, 1987.

L.N. PÎRVU, Părtile în procesul civil, Ed. All Beck, Bucuresti, 2002.

M.-M. PIVNICERU, D. TATĂRUȘANU, C. SUSANU, Citarea si comunicarea actelor de procedura, Ed. Hamangiu, Bucuresti, 2006.

M.-M. PIVNICERU, H. TIȚ, Recursul în procesul civil, practică judiciară, Ed. Hamangiu, Bucuresti, 2006.

E. POENARU, Procurorul parte in procesul civil, Ed. All Beck, Bucuresti 2003.

G. PORUMB, Codul de procedură civilă comentat si adnotat, vol.1-2, Ed. Stiintifică, Bucuresti, 1962.

P. RAINAUD – MEURISSE, Effet devolutif de l'appel. Evocation. Plenitude de juridiction, in Juris-classeur, Paris, 1994, fas. 711, nr.5.

H. RIGOLI, Institutions judiciaires, 2-édition, Dalloz, Paris 1999

B. SELEJAN-GUTAN, H. A. RUSU, Hotararile C.E.D.O. in cauzele impotriva Romaniei (1998-2006), Ed. Hamangiu, Bucuresti, 2006.

S. SPINEI, Recursul in procesul civil, Ed. Hamangiu, Bucuresti, 2008.

I. STOENESCU, S. ZILBERSTEIN, Drept procesual civil. Teoria generală, Ed. Didactica si Pedagogica, Bucuresti, 1977.

I. STOENESCU, S. ZILBERSTAIN, Drept procesual civil. Caile de atac si procedurile speciale, Ed. Didactica si Pedagogica, Bucuresti, 1981.

M. TĂBÂRCĂ, Legea nr. 202/2010 privind unele măsuri pentru accelerarea soluționării proceselor, Ed. Universul Juridic, Bucureşti, 2011.

M.TĂBÂRCĂ, Codul de procedură civilă comentat si adnotat cu legislatie, jurisprudentă si doctrină, Ed. Rosetti, Bucuresti, 2003, 2008.

M.TĂBÂRCĂ, Exceptiile procesuale în procesul civil, Ed. Rosetti, Bucuresti, 2001.

M.TĂBÂRCĂ, DREPT PROCESUAL CIVIL, ED. UNIVERSUL Juridic , Bucuresti, 2005.

D. TACU, Elemente de procedură civilă, Tiparul Tribunei Române, Iasi, 1866.

G. TOCILESCU, Curs de procedură civilă, partea I, Bucuresti, 1887.

G. TOCILESCU, Explicarea noului Cod de procedură civilă (1900-1901), vol. III.

ULPIAN, Digeste, de Appellationibus, Lecons de Procedure civile, Publiees par Gustave de Linage, Paris, 1868.

O. UNGUREANU, C. JUGASTRU, Drept Civil. Persoanele, Ed. Hamangiu, Bucureşti, 2007.

O.UNGUREANU, Nulitatile procedurale civile, Ed. All Beck, Bucuresti 1998.

O. UNGUREANU, Actele de procedura în procesul civil (la instanţa de fond), Ed. Press Mihaela, Bucureşti, 1997.

P. VASILESCU, Tratat teoretic si practic de procedură civilă, vol.III, Institutul de Arte Grafice ”Eminescu”, Bucuresti, 1943.

J. VINCENT, Le dimensions nouvelles de lappel en matiere civile, Ed. Dalloz, 1973.

A. VELESCU, Recursul civil, Ed. Stiintifică, Bucuresti, 1965.

N. VOLONCIU, Tratat de procedura penala , editia a III-a, Ed. Paideia, Bucuresti, 1997.

S. ZILBERSTEIN, V.M. CIOBANU, Tratat de executare silită, Ed. Lumina

Lex, Bucuresti, 2001.

S. ZILBERSTEIN, V.M. CIOBANU, I. BACANU, Drept procesual civil – Executarea silita, vol.I,II, Ed. Lumina Lex, Bucuresti, 1996.

S. ZILBESTEIN, V.M. CIOBANU, Recursul si recursul extraordinar în procesul civil, Ed. Stiintifică si Enciclopedică, Bucuresti, 1987.

C.GR.C. ZOTTA, E.R. VAITEANU, Codul de procedura civila din 1900, Ed. R. Cioflec , Bucuresti, 1947.

B. Articole, Note, Comentarii.

Ş. BELIGRĂDEANU, Reflecţii critice cu privire la caracterul vădit dăunător bunului mers al justiției, al reglementării în noul Cod de proicedură civilă a posibilității sesizării de către unele instanțe judecătoreşti a Înaltei Curți de Casație şi Justiție, în vedrea pronunțării unei hotărâri prealabile pentru dezlegarea unor chestiuni de drept, în Dreptul, nr. 3/2013.

V. BERGER, Jurisprudenta Curtii Europene a Drepturilor Omului , Institutul Roman pentru Drepturile Omului, 2001.

C. BUGA, P. MARINCA, Probleme controversate în dreptul familiei, R.R.D. nr.7/1967.

I.BUNESCU, I. MOCANU, Inadmisibilitatea declarării recursului împotriva hotărârii premergătoare pronuntate de instanta de apel potrivit art.297 din Codul de procedură civila, în Dreptul, nr.10/2003.

M. S. COSTINESCU, K. BENKE, Efectele caracterului general obligatoriu al Deciziior Curții Constituționale în privința deciziilor pronunțate de Înalta Curte de Casație şi Justiție în soluționarea recursului în interesul legii, în Dreptul, nr. 4/2013.

M. CHELARU, Consideratii referitoare la aplicarea principiului disponibilitătii – in materie civilă – la instanta de apel, în Dreptul, nr. 10/ 1994.

V.M. CIOBANU, G. BOROI, M. NICOLAE, Modificările aduse Codului de procedură civilă prin Ordonanta de urgentă a Guvernului nr.138/2000(II) – Dreptul, nr.2/2001.

V .M. CIOBANU, G. BOROI, M. NICOLAE, Modificările aduse Codului de

procedură civilă în materia căilor de atac prin Legea nr.59/1993(I), în Dreptul, nr.2/1994.

V.M. CIOBANU, GH.L. ZIDARU, Căile de atac din perspectiva Noului Cod de procedură civilă, în Noile Coduri ale României, Ed. Universul Juridic 2011.

LIVIEI CHIRIAZI, Regimul juridic al nulității actelor de procedură în noul Cod de procedură civilă, în Dreptul, nr. 8/2011

G. COMĂNITĂ, B. DIAMANT, În legătură cu partea dint-o hotărâre care intră în puterea lucrului judecat si în legătură cu aplicatiunea art.315 alin.1 C. pr. Civ., în Revista de Drept Comercial, nr.1/2004.

M. COSTIN, Actiunea oblică (indirectă sau subrugatorie) în teoria si practica dreptului civil român, în studia Universitatis, Babes-Bolyai, Iurispredentia, nr.2/1987.

I.DELEANU, Recursul în ambianța proiectului Codului de procedură civilă, P.R. nr. 11/2009.

I. DELEANU, Aderarea la apel în procesul civil, Dreptul, nr.2/2001.

I.DELEANU, GH. BUTA, ,, Ordinea publică,, şi ,, motivele de ordine publică,, în apelul şi recursul civil, în Dreptul, nr. 2/2012.

B. DIAMANT, V. LUNCEAN, În legătură cu efectele declarării apelului-în cauzele civile-înainte de comunicare, Dreptul, nr.9/1998.

B. DIAMANT, „Mecanismul de aplicare a prevederilor art. 297 alin. 1 din Codul de procedura civila. Daca instanta de apel pronunta una sau doua hotarâri si exercitarea recursului", în Revista Dreptul nr. 9/2003.

I. DRAGNE , Observatii cu privire la solutiile pe care le poate pronunta instanta de apel, prin prisma modificarilor aduse de Legea

nr.219/2005, art. 296, 297 C.proc.civ, C.J. nr.9/2005.

M. FODOR, Proba testimonială în concepția noului Cod de procedură civilă, în Dreptul, nr. 12/2012

G. C. FRENTIU, „Consecintele neplatii taxei judiciare de timbru si a timbrului judiciar asupra termenului de exercitare a apelului si/sau a recursului", în Revista Dreptul nr. 2/2004.

M. HANCU, „În legatura cu nulitatea apelului si recursului prevazute de art. 288 alin. 2 si de art. 302 din Codul de procedura civila”, în Revista Dreptul nr. 8/1997.

I. LEŞ, Asigurarea unei jurisprudenţe unitare în perspectiva viitorului Cod de procedură civilă, C.J. nr. 11/2008

I. LES, Cosideratii doctrinare si jurisprudentiale asupra solutiilor pronuntate de instantele de apel, C.J.,nr.3/2004, pag. 94-103.

P. PERJU, Probleme de drept civil si procesual civil din practica sectiei civile a Curtii Supreme de justitie, Dreptul, nr.11/2002, si nr.5/2003.

N. POPA, Câteva consideraţii privind recentele iniţiative legislative pentru accelerarea judecăţilor, C.J. nr. 12/2010.

C.-L. POPESCU, Jurisprudenta Curtii Europene a Drepturilor Omului, pe anul 2004, Ed. C.H.Beck, Bucuresti, 2006.

J. RAY, The Authority of Law- Esays on Law and Morality, Clarendon Press , Oxford, 1979.

C. ROŞU, Sesizarea Înaltei Curţi de Casaţie şi Justiţie în vedrerea pronunţării unei hotărâri prealabile pentru dezlegarea unor chestiuni de drept, în C.J. nr. 9/2012.

C. ROŞU, A. FANU-MOCA, Administrarea probelor în noul Cod de procedură civilă, în Dreptul, nr.11/2012.

M. SCHEAUA, Suprimarea apelului în materie comercială, Juridica, nr. 5/2001.

S. SPINEI, Reglementarea contestaţiei în anulare în noul Cod de procedură civilă, în Dreptul, nr.1/2013.

S. SPINEI, Notele distinctive ale recursului. Cu un comentariu critic asupra unor completări şi modificări ale Codului de procedură civilă, C.J. nr. 3/2006.

A. ŢICLEA, V. LOZNEANU, Efectul extinctiv al apelului si recursului civil în unele situatii speciale, Dreptul, nr. 9/2000.

C.TURIANU, Hotărâri adnotate ale Curtii Supreme de Justitie pronuntate în anul 2002, în legătură cu apelul, Dreptul, nr.2/2004.

G. VIOREL, L.- A. VIOREL, Radiografie asupra celerității în Noul Cod de Procedură Civilă, Termenul optim şi previzibil-estimarea duratei procesului-contestația la tergiversarea procesului, în C.J. nr. 9/2012.

GH.L. ZIDARU, Noua reglementare a apelului în proiectul de lege privind Codul de procedură civilă, în C.J. nr. 10/2010, Supliment.