

## Romanian PUZs between normativity and inaccessibility: When the exception of illegality is no longer an option

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**This article examines the possibility of challenging Zonal Urban Plans (PUZ) in administrative litigation in light of Decision No. 12/2021 of the Romanian High Court of Cassation and Justice, which classified PUZs as normative administrative acts. It analyses the legal implications of the legislative amendment introduced by Law No. 151/2019, which expressly established a five-year statute of limitations for challenging PUZs.**

On 28 June 2021, the High Court of Cassation and Justice issued Decision No. 12/2021 in a case of appeal in the interest of the law (RIL), clarifying the legal nature of local council decisions approving Zonal Urban Plans (PUZ). The legal issue was whether these decisions constitute administrative acts of an individual or normative nature. The Court ruled that PUZ approval decisions are normative administrative acts, even when initiated by private individuals or legal entities for specific projects.

This classification has several significant legal implications, including:

1. Normative acts enter into force upon publication, not upon communication to a specific individual.
2. Unlike individual administrative acts, normative ones cannot be challenged through the exception of illegality in other proceedings. Legal control is exercised only through a direct action for annulment, in accordance with Law No. 554/2004 on administrative litigation.
3. Although Law No. 554/2004 expressly provides that normative acts may be challenged at any time, in the case of PUZs, Law No. 350/2001 on territorial planning and urbanism, as amended by Law No. 151/2019, imposes a five-year statute of limitations from the date of PUZ approval for initiating annulment proceedings.

Individuals harmed by the content of a PUZ find themselves in a legally complex situation. The correlation between Decision No. 12/2021 of the High Court and Law No. 350/2001, as amended by Law No. 151/2019, leads to the conclusion that such individuals may challenge the PUZ only within five years of its approval. Moreover, they can no longer invoke the exception of illegality in related litigation, even though this exception is generally imprescriptible, precisely because the High Court has classified PUZs as normative administrative acts.

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Therefore, although Decision No. 12/2021 brings clarity to a field marked by inconsistent judicial practice by expressly classifying PUZs as normative administrative acts, interested parties must be aware of the five-year statute of limitations, which restricts the seemingly perpetual susceptibility to challenge these acts—a fundamental characteristic of normative administrative acts.

### **Proposal for legislative amendment**

Given the classification of PUZs as normative administrative acts and the express legal provision of a five-year statute of limitations for challenging them in administrative litigation, it would be advisable, *de lege ferenda*, to amend Law No. 554/2004 on administrative litigation to allow the exception of illegality for normative administrative acts expressly subject to a statutory limitation period under special law, such as in the case of PUZs. This amendment would enable continuous legal oversight of normative acts that produce long-term legal effects and impact an unlimited number of individuals, ensuring the protection of fundamental rights of citizens affected by PUZ provisions. Such a change would represent a significant step toward strengthening legal control over normative acts with broad and lasting effects.

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