

THE CONSEQUENCES OF THE ADMISSION OF THE APPEAL IN THE INTEREST OF THE LAW NO. 3/2018 REGARDING THE ERROR MARGIN OF THE RADAR DEVICE

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Abstract

The legal problem of verifying the lawfulness of the sanction for exceeding the legal speed of the offender by reference to the Legal Metrology Norm 021 - 05 "Devices for Measuring the Speed of Motor Vehicles (Cinemometers)" has over time generated a non-unitary judicial practice. Some courts have annulled the fines due to the fact that the offense retained by the investigating agent was not committed by the petitioner. Others annulled in part, framing that act in a legal text that provides a milder sanction. The majority rejected the complaints, noting that the existence of a margin of appreciation provided by the legal text previously indicated regarding the verification of the functionality of the radar apparatus does not automatically equate to retaining a reduced speed level of the applicant in the application of the in dubio pro reo principle, according to the values expressed in the Legal Metrology Rule. Through a careful analysis of the legal texts, doctrine and judicial practice, the present study aims to clarify the implications of the Appeal in the interest of the law in regards to the solution of the legal problem available to the courts.

Keywords: *implications of the Appeal in the interest of law no. 3/2018, error margin, radar apparatus, effects on contravention complaints, Legal Metrology Norm 021 – 05.*

JEL Classification: K14, K23, K41

1. Introduction

This article shall endeavour to make an analysis of the legal situation that has generated a significant number of difficulties among the courts, which have come up with different solutions, in the context in which the minutes of the finding of the contravention regarding the subjects of law imply accusations in criminal matters of a gravity capable of attracting a ban on the right to drive and implicitly limiting the right to free movement.

Consideration will be given to the judicial practice prior to the time of the ruling by the High Court of Cassation and Justice, in order to identify the arguments underlying diametrically opposed views.

Subsequently, it will be determined what the concrete effects of Decision no. 3/2018 on the completed, pending and future processes, and formulating a most relevant point of view on the solution to this issue.

2. Legal basis

The main issues to be covered by this paper are governed by the provisions of Article 121 of Appendix 1 to the Government Decision 1391/2006² „*Vehicle drivers are required to comply with the maximum permissible speed on the road sector on which they travel and for the category of the vehicle being driven, as well as that imposed by the means of signalling. (2) The non-observance of the speed regime established by the law shall be verified by the traffic police officers, with **technically approved and metrologically verified technical means.***”.

Also, art. 108 from Government Emergency Ordinance (G.E.O) no. 195/2002³ regulates the sanctions that may be applied for not fulfilling the obligation: "*The commission by a vehicle, agricultural or forestry tractor or tram of one or more contraventions, besides the sanction of the fine, also attracts a number of penalty points as follows : a) 2 penalty points for the following deeds:*

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² regulation of 4 October 2006 on the application of Government Emergency Ordinance no. 195/2002 on the circulation on public roads.

³ Government Emergency Ordinance 195/2002 on the public roads, published in the Official Gazette no. 670 of 3.8.2006.

4. the 10-20 km / h maximum speed allowed for the road sector for the category of the motorized vehicle, ascertained, according to the law, **with approved and metrologically verified technical means**; ... b) 3 penalty points for the following deeds: ... 2. exceeding the maximum speed permissible for the road sector by 21-30 km / h for the category of the motorized vehicle, ascertained, according to the law, **with approved and metrologically verified technical means**; ... c) 4 penalty points for the following deeds: ... 3. exceeding the maximum speed permissible for the road sector by 31-40 km / h for the category of the motorized vehicle, ascertained, according to the law, **with approved and metrologically verified technical means**; ... d) 6 penalty points for the following deeds: ... 3. exceeding the maximum speed permissible for the respective road sector by 41-50 km / h for the category of the motorized vehicle, ascertained, according to the law, **with approved and metrologically verified technical means** ".

Art. no. 109 of G.E.O. no. 195/2002⁴ provides the legal framework according to which the contraventions can be ascertained by the use of technical means: "(2) *The finding of contraventions can be established also by the use of certified technical means or approved and metrologically verified technical means, indicated in the record of finding of contravention.* (3) *In the cases provided in paragraph (2), the report may also be terminated in the absence of the offender, after determining the identity of the driver, and this shall be mentioned in the report, without the need for witnesses to confirm the facts.* " It can be observed that the legislator understood to establish a dispensation regarding witness testimony in proving the violation of the legal provisions indicated above, being sufficient to identify the offender who committed the crime by using radar equipment used by the police.

Legal Metrology Norm NML 021 - 05⁵ is the legal basis for the use of radar equipment: "*In order to be placed on the market, put into service or used in public interest measurements, the radar equipment referred to in 1.1 shall meet both the metrological and technical requirements of this Regulation ...*

3.1.1 Tolerance Errors for Speed Measurement:

(a) *For the measurement of speed simulated under laboratory conditions, the tolerable error shall be:*

± 1 km / h for speeds up to 100 km / h;

± 1% of the true conventional value for speeds equal to or greater than 100 km / h;

In the case of in-service and in-situ motion devices, the tolerance errors specified above must also be met for measuring the vehicle's own driving speed.

b) *for speed measurement, in normal traffic conditions, for stationary motors, the tolerated error shall be:*

± 3 km / h for speeds up to 100 km / h;

± 3% of the true conventional value for speeds equal to or greater than 100 km / h;

c) *for speed measurement, in normal traffic conditions, for both in-service and stationary motion monitors, the tolerated error shall be:*

- *in stationary mode, for the measurement of the speed of vehicles in traffic, the tolerable error is the one in 3.1.1 b);*

- *in displacement mode, to measure the vehicle's own moving speed on which it is mounted, the tolerance error is that of 3.1.1 (b);*

- *in motion mode, to measure the speed of vehicles in traffic, the tolerable error is:*

± 4 km / h for speeds up to 100 km / h;

± 4% of the true conventional value for speeds equal to or greater than 100 km / h;

3.2.6 *The meter shall be provided with a self-test function that can detect any malfunction or malfunction that may influence the accuracy of the measurement.*

⁴ Government Emergency Ordinance 195/2002 on the public roads, published in the Official Gazette no. 670 of 3.8.2006.

⁵ Normative Metrology Norm NML 021 - 05 "Vehicle Speed Measuring Devices (Cinometers)" approved by Order no. 301 of 23.11.2005, published in the Official Gazette of Romania, Part I, no. 1102 of 07.12.2005.

This function must be activated automatically every time the cinemometer is started, and can be activated manually by the operator whenever it is deemed necessary. If any defects or functional malfunctions are detected, they will be signaled and the cinemometer will be locked.

4.2 Measurements and records which constitute evidence for the application of the provisions of current road legislation must be carried out only by qualified operators. The training of operators will be carried out in accordance with the specific regulations in force, drawn up by the institution empowered to own and use cinemometers.

4.3 Cinemometers may be legally used only if they have been metrologically verified, marked and sealed in accordance with the provisions of this regulation and are accompanied by metrological verification bulletins. "

At the same time, the provisions of art. 249 C.proc.code⁶ according to which *"the person who makes a statement in the course of the trial must prove it, except in the specific cases provided by the law. "*

Regarding the effects of Appeals in the Interest of the Law, the provisions of Art. 517 par. 2 C.proc.code have determined that *"The decision shall be pronounced only in the interest of the law and shall have no effect on the judgments under examination or on the situation of the parties in those proceedings."*

Finally, the High Court of Cassation and Justice established on 19 February 2018 with Decision No.3 in file no. 2738/1/2017 stating that *"In the interpretation and application of the provisions of point 3.1.1 of the Normative Metrology Norm NML 021 -05 "Devices for measuring the speed of movement of motor vehicles (cinemometers)", approved by the Order of the General Director of the Romanian Legal Metrology Bureau no. 301 of 23 November 2005, as amended and supplemented, the maximum tolerable errors for speed measurement are metrological requirements applicable only to the attestation of a cinemometer by the entities referred to in Art. 4 of the aforementioned order, ie **only at the time of verification and approval of the appliance**. Obligatory, according to the provisions of art. 517 par. (4) of the Code of Civil Procedure. "*⁷

3. The opinion of the courts and legal authors

Firstly, since the civil procedure is applicable in cases regarding contravention complaints, given that the provisions of G.O 2/2001 are supplemented with those of the current Code of Civil Procedure (C.proc.civ.), relevant for the discussion is the opinion of the reputed author Gabriel Boroi⁸, which analyzing art. 249 C.proc.civ. concluded that *"first of all, the obligation to prove belongs to the applicant, who claims the existence of a right or interest inferred from the judgment ... The burden of proof lies on he who asserts a legal fact in a broad sense, a situation which would could have either immediate procedural consequences, we refer here to exceptions, or consequences regarding a decisional nature, that is, those who have the capacity to influence the final judgment in terms of its merits. "*

The same author⁹, regarding the applicability of art. 517 par. 2 C.proc.civ. has stated that *"the date of publication of the Decision in the Official Gazette of Romania is the date on which the preliminary ruling becomes mandatory, which means that, from this moment, the courts will have to settle the cases which raise the issue of law solved by the decision of the High Court by taking into account the solution of the supreme court. The decision is applicable to both pending and future cases..."*

Since the attacked minutes enjoy the relative presumption of legality and solidity, the petitioner has the burden of proving his claims in order to overturn it and to determine the court to annul the act.

⁶ Law no. 134 of 1 July 2010 on the Code of Civil Procedure, republished in the Official Gazette no. 247 of 10 April 2015.

⁷ Decision no. 3/2018, ÎCCJ (Complete RIL).

⁸ Boroi, G. (ed.), *Noul Cod de Procedură Civilă Comentat*, vol.2, Ed. Hamangiu, Bucharest, 2013, pp. 559-560.

⁹ *Idem*, p. 1014.

After analyzing court practice, cases can be identified in which the court¹⁰, in application of the *in dubio pro reo* principle, ordered the cancellation of the verbal record of the contravention: *"It is true that the device has been metrologically verified, but the metrological verification attests only to the fact that it properly functions, that it does not record bigger errors than those tolerated according to the norm and not that it did not record any error. It is obvious that the metrological verification rule only applies to devices that have been metrologically checked, otherwise they could not be used for speed measurement. As long as the petitioner understood to invoke the error accepted by the LMN, it is necessary, according to the principle in dubio pro reo, to apply the percentage of -3% at a speed below 100 km / h (99.91 km / h. Even though the radar apparatus used to measure the speed of the vehicle driven by the claimant metrologically corresponds to the bulletin, according to the aforementioned rule, it records a tolerated error of plus / minus 3 %, thus there being no certainty that the measured speed is accurate.*

Since that fact gives rise to a doubt as to the state of the facts ascertained in the minute, as regards to the measured speed, in accordance with the in dubio pro reo principle, it benefits the applicant. In conclusion, the petitioner cannot be considered to have exceeded the maximum speed prescribed by law for that road sector (50 km / h as it is in the city) by more than 50 km / h, but by 41-50 km / h. The act committed by the petitioner, namely driving a car with a speed exceeding 41-50 km / h the maximum speed allowed by law on that road segment, is also a contravention as stated in art. no. 121 par. 1 of G.D. no. 1391/2006 but it is sanctioned differently, in accordance to art. 102, paragraph 2, corob. with article 108, paragraph 1, letter d), point 3 of G.E.O. no.195/2002. As a result, the complementary measure applied by the agent of the suspension of the right to drive was wrongfully taken. In this context, it is necessary to re-individualize the sanctions and to apply them in accordance with the aforementioned legal provisions, also in accordance to Article 98 paragraph 4 of G.E.O. no.195/2002, respectively 6 penalty points, maintaining the 9 fine points and implicitly the fine in the amount of 877,5 lei. "

On other occasions, the courts, even before the decision no. 3/2018 by the High Court of Cassation and Justice rejected the contravention complaints, noting that the error margins are strictly relevant for the approval of the cinemometers. For example, the Dâmbovița Court¹¹ established that *"It is obvious that all these purely technical elements that need to be considered in order to determine whether the speed measurement by a particular cinemometer falls within the error margin of point 3.1.1 Norms are checked by the Romanian Legal Metrology Bureau at the time of the issue of the metrological verification bulletin, which is the only institution empowered to rule on the error margin of measurements made by a cinemometer and consequently to certify the legality of that device. As a result, once it has been proven that the radar apparatus recorded in the verbal record has a metrological verification valid at the time of its use, the validity of the driving offense on public roads of a certain speed detected by that radar is unquestionable. In light of this new ECHR judgment, it has become obvious that the "in dubio pro reo" principle cannot be interpreted in an extreme way to render the findings of the contravention proceedings ineffective - based, moreover, on documents proving the legality of the finding of the illicit act - and this even in the absence of contradictory evidence from those concerned. "*

In an article published on the Legal-land.ro website¹², the opinion of a technical expert, which indicated that *"the tolerances at the traffic speeds are presented in the chapter, was given. 3.1.1 of NML 021-05. Its title should be clear to everyone: "Errors tolerated for speed measurement". So, to measure speed, not to calibrate the apparatus. "*

The effects of this situation were to generate a diametrically opposed jurisprudence at the level of courts of similar degree in different areas of the country and between different degree courts located in the same geographical area.

¹⁰ Decision no. 28/A/2016, Alba Tribunal, <https://www.avocatura.com/speta/506777/anulare-proces-verbal-de-contraventie-tribunalul-alba.html>, accessed on 14.04.2018.

¹¹ Decision no. 537/2014, Dâmbovița Tribunal, <https://www.avocatura.com/speta/299757/anulare-proces-verbal-de-contraventie-tribunalul-dambovita.html>, accessed on 14.04.2018.

¹² <http://www.legal-land.ro/problematika-marjei-de-eroare-a-aparatelor-radar/>, accessed on 14.04.2018.

4. The analysis of the author

First of all, it is of particular relevance to note that the impact of an adequate solution to this problem is likely to be felt by an overwhelming number of people. All across the country police agencies apply hundreds of thousands of fines annually and retain driving licenses to a high number of drivers, with speed values within the above indicated limits set by the Government Emergency Ordinance 195/2002. Whenever it is mentioned in the minutes that travel speeds such as 61 or 101 km / h, the law problem becomes actual.

With regard to the technical devices used to detect the actual speed of the offender, it cannot be denied that they could be wrong in recording the real speed of the car driven by at least a reduced margin. Being built by humans, the possibility of manufacturing errors or concerning proper functioning cannot be totally excluded in all cases.

The legal text places a particularly high degree of confidence in their ability to accurately identify the offense, so that it is no longer necessary to confirm the facts by witnesses as provided by Article no. 109 from G.E.O. no. 195/2002 in paragraph 3.

Requesting witness testimony by petitioners on the basis of these legal texts as a rule is usually rejected, as the judge bases his decision in a decisive manner on the records of the technical means. Thus, the petitioner's ability to overthrow the presumption of solidity of the minute is significantly curtailed. The only way to defend himself before the court is usually to invoke NML no. 021-05 regarding the tolerable errors for speed measurement.

Despite the fact that in most cases there is evidence that the devices have been metrologically checked, the defense of some of the petitioners is based on the fact that although legally the device could be used, there is a chance that, in fact, the actual speed is lower, as indicated in Article 3.1.1.

In applying the *in dubio pro reo* principle, some courts have held that the speed attained in the contested act must be reduced by the number of kilometers indicated in that article. Since the new speed value would be below the limits set by G.E.O. no. 195/2002, some of the courts having held that the act itself was not committed by the offender, since another milder act should have been retained, cancelled the minute of the offense. Other courts have framed the act in the lower sanction class by applying the milder measures provided by the legal text. This latter approach obviously exceeds the attributions of the court, the role of which must be limited to verifying the legality of the measure taken by the investigating agent and not unlawfully exercising the right to apply the measure. This practice is not allowed by the law and the argument that it is not expressly forbidden cannot be accepted because the only control bodies that can apply contravention sanctions are the traffic police officers, as stipulated in article 109 of G.E.O. no. 195/2002: "*The detection of contraventions and the enforcement of sanctions are made directly by the road policeman and at the border crossing points of Romania, by the border guards.*"

With regard to the measure of total annulment of the offense finding report, since the margin of appreciation would amount to a three, four or more kilometre reduction in the speed recorded by the cinemometer, this solution is not sheltered by the possible criticisms.

Even without relying on Decision no. 3/2018, the arguments behind this option of some of the judges are not convincing enough. The mere fact that the device can record erroneously with the margin previously indicated does not mean that the error itself cannot be lower. For example, in those cases where it was noted that the speed at which the offender was traveling was 103 km per hour, the margin application by the court by reducing the value by 3 or 4 kilometers, which does not constitute an unlawful act, does not rule out the possibility that the cinemometer has been mistaken for just one kilometer or two. Thus, the penalties applied by the policeman would be fully justified.

Applying this extremely important principle automatically and without taking into account the specific circumstances of each situation could result in extremely harmful effects. A constant judicial practice of cancelling all fines and complementary sanctions every time a speed level that places the act between two different penalty classes is recorded, may be a worrying message to drivers. They, encouraged by the previously analysed interpretation, can consciously choose to

circulate at high speeds, knowing that there is a fairly high chance of being able to circumvent the punishment.

The primary role of sanctioning policy is to prevent anti-social acts being committed by legal subjects. When, for them, the application of the rule of law has a low predictability, it can reasonably be noted that the educational role of the legal text is restricted. It cannot be denied that the interpretation given by some of the courts can lead to extremely dangerous traffic events.

By interpreting the legal text in the light of the jurisprudence of the European Court of Human Rights, it can be successfully argued that the interference on the legal subjects is justified by a legitimate purpose of the law, namely to prevent accidents on public roads. If a single life is saved by the rigor of the legal text, then its role overcomes any inconvenience created for some of the recipients. The balance between the interference and the intended purpose, in this situation, is preserved.

At the same time, the driver, when choosing to exceed the legal speed limit, assumes the risk that the margin of error will be interpreted against him as well. Therefore, the *in dubio pro reo* principle cannot be interpreted excessively in order to remove any sanctioning measure whenever there is a risk that the cinemometer may have mistakenly registered the speed of the car.

At the same time, the courts whose case-law was the subject of the previous analysis did not take into account the fact that the cinemometer may record a lower speed than the actual one, in full accordance with the values shown in NML 021-05. Thus, a driver surprised in traffic circulating at a speed of 103 km per hour, in fact it can also be suspected of circulating at 106 or 107 km per hour if it were to applying the margin to the contrary. Undoubtedly, it is forbidden by the courts to interpret the margin against the offender, but equally unfair is its application in favor when other courts do not proceed in a similar fashion. It is unjust when the driver actually traveling 107 km per hour, is surprised by the radar apparatus at only 103, benefits of the annulment of the fine, when the court applies the margin, retaining that the speed was only 99 km / h. He benefits from the same treatment that a driver actually circulating at 99 km / h and is surprised by the cinemometre at a speed of 103 km / h enjoys. Although the drivers in the two cases are in different situations, they are treated in the same way, thus being a case of discrimination. This is caused by the automatic application of margins by some of the courts. It cannot be genuinely supported that discrimination can be avoided in all cases.

The conventional standard resulting from the case-law of C.E.D.O. obliges the actors applying the legal texts to do so in a predictable manner. The risk of an identical treatment to different situations cannot be totally eliminated.

Although the petitioner is in a situation where it may be difficult to overthrow the presumption of the solidity of the minute, there may be situations when the testimony is both admissible and useful in the trial. For example, a witness might reveal that the petitioner was not actually behind the wheel when the car was caught in traffic, or the fact that the radar device was outside the city, being wrongfully recorded in the contested act that the speed limit was exceeded on the radius of the city.

About the expert's opinion quoted in the article published on the Legal-land.ro website¹³, according to which since the legal text uses the expression "*Tolerance Errors for Speed Measurement*," the values indicated in Article 3.1.1 of NML 021-05 would have relevance to the court in the application of the margin of appreciation, it cannot be accepted. The values are relevant "*for speed measurement, not for calibration of the apparatus*" does not account for an interpretation of the legal text as a whole.

Thus, before proceeding with the analysis of the text segment targeting these values, the legislator's expression should be considered: "*3.1 Metrological requirements 3.1.1 Tolerance errors for speed measurement: a) for speed measurement, simulated under laboratory conditions, tolerated error is of: ...*"¹⁴

¹³ <http://www.legal-land.ro/problematika-marjei-de-eroare-a-aparatelor-radar/>, accessed on 14.04.2018.

¹⁴ Normative Metrology Norm NML 021 - 05 "Vehicle Speed Measuring Devices (Cinemometers)" approved by Order no. 301 of 23.11.2005, published in the Official Gazette of Romania, Part I, no. 1102 of 07.12.2005.

The relevance of analyzing these values is strictly aimed at checking that some ‘*metrological requirements*’ are met before the apparatus can be used in accordance with the legal requirements. Its verification is to be carried out ‘*under laboratory conditions*’, as the legal text indicates. The use of this expression certainly excludes any relevance of identifying any potential effects on the “*in the field*” speed measuring conducted by the policeman. At the same time, the expression “*metrological requirements*” only in case of a replacement with another expression such as “*requirements to ensure the lawfulness of the speed measurement in field conditions*” could allow for the interpretation proposed by the expert quoted in that article.

Thus, the High Court of Cassation and Justice justifiably¹⁵ has stated in the same sense that “*the maximum tolerable errors for speed measurement are metrological requirements applicable only in the procedure of attestation of a cinemometer by the entities referred to in art. 4 of the aforementioned order, ie only at the time of checking and approving the appliance.*”

5. Conclusions

In regards to the date of publication in the Official Gazette of Romania of the decision of the High Court of Cassation and Justice, several situations that require a thorough analysis can be identified.

In the case of finally judged trials in which the action was upheld and the minute of finding the offense was cancelled, the effects of the decision are limited because the courts could not have considered the opinion of the High Court prior to its publication in the Official Gazette of Romania. All the measures ordered by the respective minutes for the finding of the offense will be removed, the respective judgments being enforced.

Any attempts to challenge the remaining solution by using extraordinary remedies would be rejected as the principle of legal certainty and the rule of law would risk being violated. In this respect, the argument regarding the retroactivity of the more favourable contraventional law is not valid, since Decision 3/2018 does not constitute a law either in a *lato sensu* interpretation or even less in a *stricto sensu* one. The role of this solution is limited to guiding the courts in interpreting the provisions of law relevant to reaching a decision in the case. In spite of its binding nature, this circumstance cannot justify the interpretation that we are dealing with a law in itself, the judicial authority being unable to arrogate itself law-making powers.

In the case of pending contravention complaints we can distinguish two situations.

In the first situation, if the case is in the first instance phase, the court is to interpret that legal text in full compliance with the High Court's decision and reject the petitioner's defense based on the argument concerning the margin of appreciation.

In the second case, when the process is in the appeal phase, it must be differentiated according to the first instance's decision. If the solution is contrary to the High Court's opinion, the appellate court should cancel this solution. A discussion may also transpire regarding to the inability of the first instance judge who decided before the publication, to anticipate the interpretation given by the High Court. Despite the absence of his own fault, the appellate court would be entitled to set aside its decision, since the High Court's provisions are immediately applicable to the proceedings even if the trial began before publication. In turn, the second instance court has the obligation to refer to the High Court's opinion, under the sanction of a disciplinary offense under the Code of Conduct and Statute of the Magistrate.

If the solution of the first instance was to reject the petitioner's defense concerning the margin of appreciation, then the solution in the appeal would confirm that view.

In the case of future contravention complaints, the determination of the effects is an easy undertaking, since the court of first instance has the obligation to dismiss the petitioner's defense, given that the publication in the Official Gazette was prior to the moment of filing the claim.

¹⁵ Decision no. 3/2018, ÎCCJ (Complete RIL).

In conclusion, although arguments can be identified to substantiate the defense regarding the margin of appreciation to the speed at least in a small extent, the arguments against that perspective are more relevant. At the same time, the binding nature of Decision no. 3/2018 has apparently ended the dispute.

Bibliography

1. Boroi, G. (ed.), *Noul Cod de Procedură Civilă Comentat*, vol.2, Ed. Hamangiu, Bucharest, 2013.
2. Government Emergency Ordinance 195/2002 on the public roads, published in the Official Gazette no. 670 of 3.8.2006.
3. Law no. 134 of 1 July 2010 on the Code of Civil Procedure, republished in the Official Gazette no. 247 of 10 April 2015.
4. Regulation of 4 October 2006 on the application of Government Emergency Ordinance no. 195/2002 on the circulation on public roads.
5. Normative Metrology Norm NML 021 - 05 "Vehicle Speed Measuring Devices (Cinemometers)" approved by Order no. 301 of 23.11.2005, published in the Official Gazette of Romania, Part I, no. 1102 of 07.12.2005.
6. Decision no.3/2018, ÎCCJ (Complete RIL).
7. Decision no. 28/A/2016, Alba Tribunal, <https://www.avocatura.com/speta/506777/anulare-proces-verbal-de-contraventie-tribunalul-alba.html>, accesed on 14.04.2018.
8. Decision no. 537/2014, Dâmbovița Tribunal, <https://www.avocatura.com/speta/299757/anulare-proces-verbal-de-contraventie-tribunalul-dambovita.html>, accesed on 14.04.2018.