

THE EXCEPTION OF UNCONSTITUTIONALITY RAISED BEFORE AN INTERNATIONAL ARBITRAL TRIBUNAL

Authors

Eugen HURUBĂ*

Luminița GABURA*

ABSTRACT: *The main aim of the paper work is to determine whether the Constitutional Court of Romania could be notified by international tribunals in relation to cases tried under Romanian law.*

On 5 March 2013 the Constitutional Court of Romania decided, for the first time, on a case concerning an exception of unconstitutionality raised before an international tribunal of commercial arbitration. The exception of unconstitutionality of a Government Emergency Ordinance was raised in an arbitration case pending before International Court of Arbitration of the International Chamber of Commerce, located in Paris.

According to Law 47/1992 there is a condition to bring the matter before the Constitutional Court, namely to be notified by a tribunal or by a court of commercial arbitration. Firstly, we will focus on analyzing whether an international tribunal is included in the category mentioned before. Secondly, we will present whether the establishment of the place of arbitration in a different country, by an arbitral convention, influences the substantial law that governs legal relations between the parties.

KEY-WORDS: *the exception of unconstitutionality, international arbitral tribunal, Constitutional Court*

JEL CODE: *K 10*

* Assistant Professor, Phd, „Petru Maior” University of Tîrgu Mureș, ROMANIA

** 4th year Law Student, „Petru Maior” University of Tîrgu Mureș, ROMANIA