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Case study 2 - family law - custody of the children - Romania

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees
Case A	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation - Attestation in order to obtain an authenticated court decision - RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula - RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation - RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) - only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid

			1. Legalisation - Attestation in order to obtain an authenticated court decision - RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty)	
		In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	2. Investing the court decision with an enforceable formula - RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid
Case B	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)		3. Supra-legalisation - RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) - only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)

Case Study ADR

	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator.
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator.

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs
				Post-judgment costs

Case Study	Lawyer Is representation compulsory?	Average costs	Bailiff Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff’s fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff’s fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff’s fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee

Case Study	Expert Is use compulsory?	Cost
Case A	NO	Not applicable in this case
Case B	NO	Not applicable in this case

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation Are witnesses compensated?	Cost	Pledge or security Does this exist and when and how is it used?	Cost

Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A		Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached
Case B		Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached

Case study	Reimbursement	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes		In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO
Case B	Yes		In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO

Costs for translation and interpretation

Case study	Translation	When and under which conditions is it necessary?	Approximative cost?	Interpretation	When and under which conditions is it necessary?	Approximative cost?	Other costs specific to cross-border disputes?
Case A		Not applicable in this case	Not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	-	Description Approximative cost?

1. When documents submitted to the court (part of the case dossier) are written in another language.

2. In addition, when the party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.

The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.

If at least one of the parties does not speak Romanian. State A= Romania

RON 23.15 per hour (approximately EUR 6)

Yes, but are borne by the state -

Case B

■ Last update: 11/07/2010

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