

[Home](#) > ... > [Taking Legal Action](#) > [Where and How](#) > [Costs](#) > Case study 4 - commercial law - contract - Romania

Case study 4 - commercial law - contract - Romania

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court	Initial court fees	Transcription fees	Other fees	Appeals	Initial court fees	Transcription fees
Case A		RON 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (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 the initial court fees, namely RON 1,424.5999 (approximately EUR 355)	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  
Study Court

Appeals

		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)	
	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	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	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 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (stamp duty)		50% of the initial court fees, namely RON 1,424.5999 (approximately EUR 355)

Case study ADR

	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided for 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		Expert
Is representation compulsory ?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
				Is use compulsory? Cost

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 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) Bailliff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost which will be established by the court, depending on the complexity of the expertise.
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 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) Bailliff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost, established by the court depending on the level of expertise required

### 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
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Case Study	Witness compensation	Pledge or security
Case A	Yes	<p>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)</p> <p>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)</p>
Case B	Yes	<p>Eventual requests for insuring evidence (proofs of such preserved documents)</p> <p>If the party requests the grant of insurance measures (insuring sequester, garnishment)</p> <p>Eventual requests for insuring evidence (proofs of such preserved documents)</p> <p>If the party requests the grant of insurance measures (insuring sequester, garnishment)</p>
		<p>RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)</p> <p>RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)</p> <p>RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)</p> <p>RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)</p>

## 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	Not applicable	Not applicable	Not applicable
Case B	Not applicable	Not applicable	Not applicable

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 organization?

Case study Reimbursement

All the costs can be reimbursed in this case. All the costs can be reimbursed, except for costs involved in the following situation: The buyer who admits the seller's claim at the first hearing need not pay the judicial costs, except where he or she was notified before the hearing

Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses.

Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.

Case A Yes In general 100% of the costs are reimbursed NO

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Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses.

Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.

Case B Yes In general 100% of the costs are reimbursed 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?	Description
Case A	In general, not applicable in this case	In general, 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)	-	-

Case study	Translation	Interpretation	Other costs specific to cross-border disputes?
Case B	<p>1. When documents submitted to the court (part of the case dossier) are written in another language.</p> <p>2. In addition, when a party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.</p>	<p>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</p> <p>If at least one of the parties does not speak Romanian.</p> <p>State A = Romania</p>	<p>Yes, they are borne by the State (approximately EUR 6)</p> <p>-</p>

■ Last update: 11/07/2010

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