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## Case study 5 - commercial law - responsibility - Romania

### Costs in Romania

#### Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court	Transcription fees	Other fees
	Initial court fees		
	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around Case A EUR 0.5 and over EUR 1300	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	<ol style="list-style-type: none"> <li>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)</li> <li>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)</li> <li>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</li> </ol>
	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around Case B EUR 0.5 and over EUR 1300	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	<ol style="list-style-type: none"> <li>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)</li> <li>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)</li> <li>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</li> </ol>

Case Study	Appeals	Initial court fees	Transcription fees	Other fees	ADR Is this option open for this type of case?	Costs Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case A		50% of the initial costs for bringing the action before the court	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	-	Yes	
Case B		50% of the initial costs for bringing the action to the court.	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	-	Yes	

### Costs for lawyer, bailiff and expert

Case Study	Lawyer Is representation compulsory ? Average costs	Bailiff Is representation compulsory ? Pre-judgment costs	Expert 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	Yes Post-judgment costs 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 - depends on the sum awarded by the court as compensation Variable costs, established by the court depending on the level of expertise required

Case Study	Lawyer	Bailiff	Expert
			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 - depends on the sum awarded by the court as compensation
Case B	NO	NO	Variable costs depending on the legal assistance contract. Not applicable in this case, as representation is not compulsory
			Variable costs, 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
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 (proofs such preserved documents) If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty) RON 10.3 (approximately EUR 2.5) comprising RON 10 (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 (proofs such as preserved documents) If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty) RON 10.3 (approximately EUR 2.5) comprising RON 10 (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?

If the applicant is a natural person, Case A please see annex 1 attached

If the applicant is a natural person, Case B please see annex 1 attached

When is support total?

If the applicant is a natural person, please see annex 1 attached

If the applicant is a natural person, please see annex 1 attached

Conditions?

If the applicant is a natural person, please see annex 1 attached

If the applicant is a natural person, 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?

All the costs can be reimbursed in this case  
All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing

In the case when 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. The court can also order the compensation of the expenses.

Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer

Case A Yes

In general 100% of the costs are reimbursed.

NO

Case study Reimbursement

All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing  
 In the case when 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. The court can also order the compensation of the expenses.  
 Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer

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

Costs for translation and interpretation

Case study	Translation	Approximative cost?	Interpretation	Approximative cost?	Other costs specific to cross-border disputes?	Description
Case A	When and under which conditions is it necessary? In general, not applicable in this case 1. When documents submitted to the court (part of the case dossier) are written in another language. 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.	In general, not applicable in this case. 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	When and under which conditions is it necessary? When the party who should be heard by the court is deaf or mute, or does not know how to write. If at least one of the parties does not speak Romanian.	RON 23.15 per hour (approximately EUR 6)	Yes, they are borne by the state	
Case B						

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