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# National ordinary courts

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Romania

Romania



This page provides you with information on Romanian ordinary courts.

## Introduction to Romania's judicial system

Romania's judicial system has the following structure:

### Courts of law and prosecutor's offices

#### Level 1

1. District courts (176)
2. Prosecutor's offices

#### Level 2

1. Tribunals (42)
2. Special tribunals (3)
3. Tribunal for Children and Family Matters (1)
4. Prosecutor's offices

#### Level 3

1. Courts of appeal (15)
2. Prosecutor's offices

#### Level 4

1. High Court of Cassation and Justice
2. Prosecutor's Office

- Romania's judicial system comprises the High Court of Cassation and Justice and the other courts of law.

## Courts

### High Court of Cassation and Justice

As the [highest court in Romania](#), it is the only judicial institution with the power to ensure uniform interpretation and application of the law by the other courts. The review in the interest of law is the main procedure for achieving this.

The High Court of Cassation and Justice has four sections, each having its own jurisdiction:

- Civil Section I;
- Civil Section II;
- Criminal Section;

- Administrative and Tax Litigation Section.

The four five-judge panels, the Joint Sections, the panel on reviews in the interest of law, and the panel on clarifying certain legal matters are other sections of the supreme court, which have their own jurisdictions.

Civil Section I, Civil Section II, and the Administrative and Tax Litigation Section of the High Court of Cassation and Justice, hear applications for review against judgments handed down by courts of appeal and other court decisions, as provided for by the law, and applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means, and in the case of which the legal proceedings before a court of appeal have been interrupted.

The Criminal Section of the High Court of Cassation and Justice hears:

1. at first instance, the cases and applications referred, under the law, to the High Court of Cassation and Justice having first instance jurisdiction;

The Criminal Section of the High Court of Cassation and Justice hears, as a court of first instance, cases involving high treason offences, offences committed by senators, deputies, and Romanian members of the European Parliament, by members of the Government, by judges of the Constitutional Court, by members of the Superior Council of Magistracy, by judges of the High Court of Cassation and Justice, and by prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice.

2. applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal and by the Military Court of Appeal;
3. applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal, by the Military Court of Appeal and by the Criminal Section of the High Court of Cassation and Justice;
4. applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means and in the case of which the legal proceedings before a court of appeal have been interrupted;
5. appeals against final criminal judgments, as provided for by the law;
6. requests for a preliminary ruling for clarifying certain legal matters;
7. conflicts of jurisdiction, where it is the common higher court over conflicting courts;
8. requests for referral from the competent court of appeal to another court of appeal;
9. other cases provided for by the law.

## The five-judge panels

Under Article 24 of Law No 304/2004, as republished, as subsequently amended and supplemented, the five-judge panels hear applications for review against judgments handed down, at first instance, by the Criminal Section of the High Court of Cassation and Justice, appeals against the judgments handed down, on appeal, by the five-judge panels after initial admission, applications for review against conclusions delivered, at first instance, by the Criminal Section of the High Court of Cassation and Justice, disciplinary cases under the law and other cases referred to them and falling under their jurisdiction under the law, and applications for review against judgments rejecting the referrals to the Constitutional Court, which are handed down by another five-judge panel. In accordance with Article 51(3) of Law No 317/2004, as republished, the five-judge panels hear applications for review against judgments handed down by the Superior Council of Magistracy in disciplinary matters.

The High Court of Cassation and Justice meet as Joint Sections for the following:

1. to address referrals regarding changes to the case-law of the High Court of Cassation and Justice;
2. to refer to the Constitutional Court in order to verify the constitutionality of laws before their promulgation.

## Court of Appeal

The [courts of appeal](#) in Romania are headed by a President, who may be assisted by one or two Vice-Presidents.

A court of appeal has specialised sections or panels for:

- civil cases,
- criminal cases,
- cases involving children or family matters,
- cases involving administrative or tax disputes,
- cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, or other matters, and
- maritime and fluvial cases.

The 15 courts of appeal have legal personality, each court covering the jurisdiction of several tribunals (around 3).

In civil matters, the courts of appeal hear the following cases:

as courts of first instance, they hear applications relating to administrative and tax disputes, in accordance with the special legal provisions;

as courts of appeal, they hear appeals against judgments handed down by tribunals at first instance;

as courts of review, they hear applications for review against judgments handed down by tribunals on appeal or against judgments handed down at first instance by tribunals which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law.

In criminal matters, the courts of appeal hear the following cases.

As courts of first instance:

- offences referred to in Articles 394-397, 399-412 and 438-445 of the Criminal Code;
- offences relating to the national security of Romania, as provided for by special laws;
- offences committed by judges of a district court or a tribunal, and by prosecutors of the prosecutors' offices attached to those courts;
- offences committed by lawyers, notaries, judicial enforcement officers or auditors of the Court of Accounts, and external public auditors;
- offences committed by leaders of religious denominations organised in accordance with the law and other high-ranking religious figures, who have at least the rank of bishop or the equivalent;
- offences committed by assistant magistrates of the High Court of Cassation and Justice, judges of a court of appeal and the Military Court of Appeal, and prosecutors of the prosecutor's offices attached to those courts;
- offences committed by members of the Court of Accounts, the President of the Legislative Council, the Ombudsman, the deputy ombudsmen and Quaestors;
- applications for referral to another jurisdiction, as provided for by the laws.

As courts of appeal, they hear appeals against criminal judgments handed down by district courts and tribunals at first instance.

The courts of appeal also decide on conflicts of jurisdiction between tribunals or between district courts and tribunals within their area of jurisdiction, or between district courts within the jurisdiction of different tribunals in a court of appeal's area of jurisdiction.

The courts of appeal also decide on requests for the extradition or transfer abroad of convicted persons.

## Tribunals

The [42 national tribunals](#) have legal personality, and are organised at county level. The area of jurisdiction of each tribunal covers all district courts in the county in which the tribunal is situated.

The tribunals have specialised sections or panels for:

- civil cases,
- criminal cases,
- cases involving children or family matters,

- cases involving administrative or tax disputes,
- cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, or other matters, and
- maritime and fluvial cases.

In civil matters, the tribunals hear the following cases

As courts of first instance, the tribunals hear all the applications which are not by law within the jurisdiction of other courts.

As courts of appeal, they hear appeals against judgments handed down by district courts at first instance.

As courts of review, they hear applications for review against judgments handed down by district courts, which, under the law, are not subject to appeal, and in any other cases expressly provided for by the law.

In criminal matters, the tribunals hear the following cases

As courts of first instance:

- offences against life, corporal integrity and health, offences against personal freedom, serious property destruction offences, offences having produced extremely serious consequences, migrant trafficking, torture, corruption and service offences, disclosure of State secret intelligence, disclosure of service or non-public secret intelligence, the unlawful procurement of funds, misappropriation, failure to comply with the regime of nuclear materials or other radioactive materials, failure to comply with the regime of explosives, transmission of the acquired immune deficiency syndrome, offences against the security and integrity of information systems and data, the establishment of an organised crime group;
- intent offences that result in a person's death;
- offences with regard to which prosecution has been conducted by the Directorate for Investigation of Organised Crime and Terrorist Offences ( *Direcția de Investigare a Infrațiunilor de Criminalitate Organizată* ) or the National Anticorruption Directorate, unless they are by law within the jurisdiction of higher courts;
- offences involving money laundering and tax evasion under Article 9 of Law No 241/2005 for the prevention and combating of tax evasion, as subsequently amended;
- other offences which are by law within their jurisdiction.

The tribunals decide on conflicts of jurisdiction between district courts within their area of jurisdiction, and applications for review against judgments handed down by district courts in the cases provided for by the law.

## District courts

The district courts do not have legal personality, and are established within national counties and in Bucharest.

In civil matters, the district courts hear mainly the following cases:

- applications which are, pursuant to the Civil Code, within the jurisdiction of the custody and family court, excluding the cases where the law provides expressly otherwise;
- applications related to civil status records, in accordance with the law;
- applications related to the administration of multi-storey buildings, apartments or spaces owned exclusively by different persons, or to legal relationships established by homeowners' associations with other natural or legal persons, as applicable;
- applications for eviction;
- applications referring to shared walls or ditches, the distance between buildings or plantations, the right of passage, and any other encumbrances or limitations affecting ownership rights as provided for by the law, agreed by the parties or imposed by a court;
- applications related to changes in boundaries or to marking boundaries;
- applications for the protection of possessions;
- applications related to obligations to carry out or not to carry out actions which cannot be measured in terms of money, regardless of whether they are based on a contract, excluding those which are by law within the jurisdiction of other courts;

- applications for court declaration of a person's death;
- applications for judicial partition, regardless of the value involved;
- applications in heritage matters, regardless of the value involved;
- applications for adverse possession, regardless of the value involved;
- applications in land tenure matters, excluding those which are by special law within the jurisdiction of other courts;
- any other applications which can be expressed in terms of money, up to and including RON 200 000, regardless of whether the parties have the status of professionals.

Moreover, district courts hear appeals against decisions of the local public administration authorities with local jurisdiction and other bodies with such jurisdiction, in the cases provided for by the law, and any other applications which are by law within their jurisdiction.

In criminal matters, the district courts hear mainly the following cases:

In general, all types of offence, excluding those which by law are to be heard at first instance by the tribunals, the courts of appeal or the High Court of Cassation and Justice.

Valid information on these courts can be found on [the Courts' Portal maintained by the Romanian Ministry of Justice](#).

## Legal databases

The following legal databases are available online:

- the High Court of Cassation and Justice publishes its case-law on its own [website](#);
- the courts publish summaries of their judgments on the Courts' Portal. For example, see the [summaries of judgments issued by the Bucharest Court of Appeal](#);
- the legal database owned and administered by the Romanian Legislative Council, [Courts' jurisdiction - Romania](#)

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