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Court fees concerning European Payment Order procedure

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Romania



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Introduction

The European Order for Payment is regulated by Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

As regards the system of court stamp fees, please note that it is regulated by Emergency Order No 80/2013, which has been in force since 26 June 2013. This legislative act was adopted following the amendment to the legal framework for the conduct of civil proceedings by adopting the Code of Civil Procedure and by enforcing the new institutions adopted by the Civil Code.

The court stamp fees are due by all the natural and legal persons and are paid in consideration of the services provided by courts as well as by the Ministry of Justice (*Ministerul Justiției*) and the Prosecutor's Office attached to the High Court of Cassation and Justice (*Parchetul de pe lângă Înalta Curte de Casație și Justiție*).

Court stamp fees can be paid online in Romania, however this electronic payment system has not been operational to this date.

What fees are applicable?

Court stamp fees are due for both trial at first instance level and appeals under the law.

Natural persons may be entitled, upon request, to discounts on, exemptions from and instalment schemes for the payment of the court stamp fees under Government Emergency Order No 51/2008 on the legal public aid in civil matters, as approved as amended and supplemented by Law No 193/2008, as subsequently amended and supplemented. Legal persons may be granted facilities for the payment of the court stamp fees under Article 42(2) of Government Emergency Order No 80/2013.

How much shall I pay?

At the current stage of the law, the court stamp fee in order to make an application for a European Order of Payment is established under Article 3(1) of Government Emergency Order No 80/2013, as follows:

1. up to the value of RON 500 - 8%, but not less than RON 20;
2. between RON 501 and RON 5 000 - RON 40 + 7% for the values exceeding RON 500;
3. between RON 5 001 and RON 25 000 - RON 355 + 5% for the values exceeding RON 5 000;
4. between RON 25 001 and RON 50 000 - RON 1 355 + 3% for the values exceeding RON 25 000;
5. between RON 50 001 and RON 250 000 - RON 2 105 + 2% for the values exceeding RON 50 000;
6. over RON 250 000 - RON 6 105 + 1% for the values exceeding RON 250 000.

What happens if I do not pay the court fees on time?

In accordance with Government Emergency Order No 80/2013, the court stamp fee is payable in advance. If the claimant fails to meet its obligation to pay the fee by the deadline set under the law or by the court, the application will be annulled as unstamped or, where applicable, settled within the limits of the legally paid court stamp fee. Moreover, if the application for facilities for payment of the court stamp fee has been rejected, and the claimant has not paid the due court stamp fee within the deadline, as set by the court, and has not included any proof of payment in the file, the court annuls the application as not stamped.

How can I pay the court fees?

Court stamp fees are payable by the person who owes the fee in cash, by bank credit transfer or online to a distinct local budget revenues account, i.e. the "Court stamp fees and other stamp fees", of the territorial administrative unit where the natural person has their domicile or residence or, where applicable, where the legal person has the registered office. The costs incurred with the transfer of the amounts due as court stamp fees are borne by the debtor.

If the person who is liable to pay the court stamp fee has neither the domicile, nor the residence, nor the registered office, where applicable, in Romania, the court stamp fee is payable to the local budget account of the territorial administrative unit covering the registered office of the court where the action is brought or the application is filed.

The court stamp fees are payable in cash at the fees and taxes directorates of the territorial administrative units where the natural person has the domicile or residence, or where the legal person has the registered office.

Moreover, the court stamp fees are payable by bank credit transfer and online.

No electronic system has been implemented in Romania so far for the payment of the court stamp fees although this method is regulated by the law.

What shall I do after the payment?

The receipt for the payment of the court stamp fees, which is issued for payments in cash, or the money order is submitted when the legal action is filed.

The receipts or, where applicable, the money orders for the court stamp fees have no standard format, being issued in the form accepted by the unit where the payment is made.

Where the court stamp fee is paid after the court has served the notification on the claimant in this respect, the latter must include in the file the proof for payment of the fee within ten days from service of the notification.

The proof for payment of the stamp fee may be submitted in person at the registered office of the court or, by mail, indicating the number of the file (case) for which the payment has been made, as the same case number is indicated on the notification served by the court on the party concerned.

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