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Judicial auctions

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Romania

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1. Publicising and pricing regarding the sale of seized assets

The enforcement procedure is governed by the Romanian Code of Civil Procedure, which contains general rules regarding the enforcement of obligations established by warrants of execution. In addition to the rules of civil procedure which govern enforcement, there are two other separate categories of rules which apply to the specific situations of debtors of obligations: enforcement of fiscal debts and enforcement of debts arising out of offences.

The general category of debts arising out of warrants of execution, other than those of a fiscal nature or those arising out of offences, are enforced in Romania by bailiffs, enforcement authorities authorised by order of the Minister of Justice to enforce warrants of execution.

Once enforcement has been approved, for the category of debts which are liable to be enforced, in accordance with what has been stated above, the debtor's assets are sold by public auction in accordance with the rules of civil procedure according to their category, i.e. sale of movable and/or immovable assets by public auction.

Seized movable assets can be valued by a bailiff (based on the criterion of the circulation value as compared with the average market prices in the locality concerned) or, where valuation is not possible or if the parties so request, for a fee, by appointing an expert.

The value of the asset subject to enforcement shall be determined by the bailiff in accordance with similar rules (circulation value, average market price, etc.) or, for a fee, at the request of the parties or where valuation is not possible, by appointing an expert.

With regard to the advertising of sales of movable assets, the announcement or advertisement regarding the sale shall be drawn up by the bailiff, who shall arrange for it to be displayed at the place of the auction, at his office, in the office of the town hall within whose catchment area the asset is being sold, in the office of the enforcement authority, and in other public places. The Romanian Code of Civil Procedure also lays down an obligation to place advertisements in local and national newspapers or on Internet pages intended for the sale of the assets concerned.

In addition to the aforementioned advertising methods, with regard to advertising of sales of immovable assets, there are procedural nuances in that on the one hand, the value of the asset dictates the method of advertising (a national newspaper if the value of the asset exceeds RON 250,000), and on the other hand, there is an obligation to place an advertisement in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement.

The characteristics of the assets subject to enforcement shall be specified in the announcement/advertisement regarding the sale.

The procedure for viewing assets is not regulated.

Auction guarantees, which are recorded by order of the bailiff and must be paid no later than the time when the auction begins, are regulated. Auction guarantees can be paid electronically, and the bailiff must attach proof of

payment to the offer to buy.

Assets are assigned to the person who offers the highest price and, if there is only one bidder, to the latter, provided that he has offered the starting price for the auction.

2. Third parties that may conduct the sales operation

Assets can only be sold by public auction by a bailiff by way of the enforcement procedure that is governed by the Romanian Code of Civil Procedure. For certain categories of debts, i.e. fiscal debts and debts arising out of offences, the sale procedure is conducted either through the Fiscal Authority's own mechanism (for fiscal debts) with special rules of procedure concerning the auction or participants, or through the state authority which is responsible for recovering proceeds of crime (the National Agency for the Administration of Frozen Assets – ANABI). In the latter case, through cooperation agreements, ANABI can entrust the task of recovery to a bailiff.

3. Auction types for which the rules might not fully apply

The common rules that apply to the sale of goods by public auction include exceptions with regard to warrants of execution relating to revenues owed to the consolidated general budget, the EU budget or the budget of the European Atomic Energy Community. There are also exceptions for the recovery of proceeds of crime.

4. Information on National registers of assets

No computer system containing information about assets (national asset registers) has been implemented in Romania.

5. Information on databases for creditor's to identify debtor's assets or claims

Creditors can have access to details of any assets or debts of a debtor solely through an approved enforcement procedure and only through the bailiff.

Access for creditors to databases in which they can identify a debtor's assets is limited. For example, because enforcement measures in respect of immovable assets are noted in the Land Register, on the basis of a simple request and in exchange for a fee, anyone can obtain information about the situation of an asset. This form of provision of information is not, however, helpful with regard to any asset which is held by a debtor, as searches are based only on the asset and not the person. Personal details are protected by special regulations, so this type of search is only possible, as stated above, through an authority, sometimes subject to confirmation by a court.

6. Information on online judicial sales

The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a computer system through which all bailiffs advertise, at national level, sales of movable assets with a value in excess of RON 2,000 and immovable assets which are subject to an enforcement procedure. The Electronic Register for the Advertisement of Sales of Assets subject to Enforcement was created on the basis of the provisions of article 35(2) of Law no. 188/2000 on bailiffs and has been operational since 2012. Placing advertisements in the Electronic Register for the Advertisement of Sales of Assets subject to Enforcement is a legal obligation for bailiffs, and failure to do is a disciplinary offence pursuant to the provisions of article 47 of Law no. 188/2000 on bailiffs.

The new platform of the [Electronic Register for the Advertisement of Sales of Assets subject to Enforcement](#) was approved by way of Decision no. 67/05.12.2014 of the Council of the National Union of Bailiffs.

Last update: 10/10/2017

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