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## If my claim (from another country) is to be considered in this country

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Romania



Romania

### Which authority decides on a claim for compensation in cross-border cases?

The Romanian decision-making authority designated in accordance with Article 3(2) is:

The Bucharest District Court (*Tribunalul București*)

Commission for Granting Financial Compensation to Victims of Crimes (*Comisia pentru acordarea de compensații financiare victimelor infracțiunilor*)

Bulevardul UNIRII, nr. 37, Sector 3, Bucharest, code 030823

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E-mail: [tribunalul.bucuresti@just.ro](mailto:tribunalul.bucuresti@just.ro)

Webpage: <http://www.tmb.ro/>

Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

Yes.

In which language(s) do the compensation authorities(s) accept the:

- claim? in Romanian
- supporting documents? in Romanian

If the compensation authority translates the claim/supporting documents from another EU country, who pays for this?

No, not applicable.

Are there administrative or other charges to be paid in this country for

processing my claim (received from another EU country)? If so, how can I pay these?

No.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How can I claim them? Who do I have to contact?

Physical presence is not necessary.

Legal aid also covers travel expenses when physical presence is required by the law or the court and when the court decides that there is no other possibility for the respective persons to be heard accordingly.

The court decides whether these expenses will be borne or not and informs the party of how to recover them.

Is an interpreter provided, in case I have to be personally present?

Physical presence is not necessary.

Legal aid also covers travel expenses when physical presence is required by the law or the court and when the court decides that there is no other possibility for the respective persons to be heard accordingly.

The court decides whether these expenses will be borne or not and informs the party of how to recover them.

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

This is examined by the designated Romanian decision-making authority, namely the Commission for Granting Financial Compensation to Victims of Crimes of the Bucharest District Court.

Will I be reimbursed for my travelling costs, if I have to undergo a medical examination in this country?

The court decides whether these expenses will be borne or not and informs the party of how to recover them.

How long does it take approximately to get a decision on compensation from the authority/body?

One to two years.

In which language will I receive the decision on my claim?

In Romanian.

If I am not satisfied with the decision, how can I challenge it?

In the settlement of the financial compensation claim or of the claim for advance payment from the financial compensation, the Commission for Granting Financial Compensation to Victims of Crimes, which comprises a panel of two judges, may deliver either of the following solutions in a decision:

1. to admit the claim, determining the value of the financial compensation or, where applicable, of the

- advance payment therefrom;
- 2. to reject the claim if the requirements under this law for granting financial compensation or, where applicable, the advance payment therefrom have not been met.

The judgment settling the financial compensation claim or the claim for advance payment from the financial compensation is served on the victim.

The judgment may be challenged before the court of appeal within 15 days from notification.

## Can I get legal aid (help from a lawyer) under the other country's rules?

You may receive public legal aid in accordance with the Romanian law (Article 14 et seq. of Law No 211/2004 regarding certain measures providing for information, support and protection of victims of crimes).

free legal aid is granted, upon request, to the following categories of victims:

1. the persons against whom the following offences have been committed: attempted murder, manslaughter, bodily harm, wilful crime resulting in the victim's bodily harm, rape, sexual assault, sexual intercourse with a minor, sexual corruption of minors;
2. the spouse, children and persons dependent on the persons who have died as a result of the commitment of the offences of murder, manslaughter and wilful crimes resulting in the person's death.

Free legal aid is granted to the abovementioned victims if the offence has been committed within the territory of Romania or, where the offence has been committed outside the territory of Romania, if the victim is a Romanian or foreign citizen who lawfully resides in Romania and the criminal proceedings are conducted in Romania.

Free legal aid is granted, upon request, to victims of other crimes if the victim's monthly income per family member does not exceed the national gross minimum base salary for the year in which the victim presented their application for free legal aid.

Free legal aid is granted only if the victim has referred to the prosecution bodies or the court within 60 days from the commitment of the offence or from the date when the victim has become aware of the commitment of the offence. If the victim was physically or mentally unable to report to the prosecution bodies, the 60-day time limit is calculated from the date when the inability has ceased.

The victims who have not reached the age of 18 and those who are placed under a prohibition order do not have the obligation to report to the prosecution bodies or the court in connection with the commitment of the offence. The legal representative of the minor or person who is placed under the prohibition order may report to the prosecution bodies in connection with the commitment of the offence.

The free legal aid application is submitted to the district court in whose jurisdiction the victim is domiciled and is settled by two judges of the Commission Granting Financial Compensation to Victims of Crimes in a conclusion within 15 days from the submission date. Copies of supporting documents for the data entered in the free legal aid application, as well as any other documents held by the victim, which are useful for the settlement of the application, are annexed to that application.

The free legal aid application is settled in a conclusion in chambers, where the victim is summoned to appear.

Where the victim has not chosen a defence attorney, the conclusion admitting the free legal aid application must also include the appointment of a defence attorney ex officio under Law No 51/1995 for the organisation and practice of the profession of lawyer, as republished, as subsequently amended and supplemented, and the Regulations of the profession of lawyer.

The conclusion settling the free legal aid application is served on the victim. The conclusion rejecting the free legal aid application is submitted to a review by the district court to which the Commission Granting Financial Compensation to Victims of Crimes pertains at the victim's request within 15 days from notification. The review is settled by a panel comprising two judges.

Free legal aid is granted to any victim throughout the proceedings within the limit of an amount equivalent to two national gross minimum base salaries, as established for the year in which the victim submitted the free

legal aid application. The funds required for granting free legal aid are provided from the State budget, through the budget of the Ministry of Justice.

The abovementioned provisions are also applied accordingly to the granting of necessary amounts to enforce the judgment granting civil compensation to the victim of a crime.

The free legal aid application and the claim for the amount required to enforce the judgment which granted civil compensation to the victim of a crime may also be presented by the legal representative of the minor or person placed under the prohibition order. The free legal aid application and the claim for the amount required to enforce the judgment which granted civil compensation to the victim of a crime are exempted from the stamp fee.

## Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

The free legal aid application and the claim for the amount required to enforce the judgment granting civil compensation to the victim of the crime may also be presented by non-governmental organisations whose activity involves protection of victims if they are signed by the victim, include all the data and are accompanied by the necessary supporting documents.

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