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## Small claims

Romania



Romania

### FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

#### Article 25 1 (a) Competent courts

The jurisdiction to determine small claims at first instance lies with the district courts. Their decisions are subject to appeal before a tribunal only, within 30 days of the decision being issued. See Article 2 of Article I10 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

#### Article 25 1 (b) Means of communication

- According to the ordinary procedure laid down in Article 148(2) CCP, an application submitted to court in person or by a proxy may be written in an electronic format, if it complies with the conditions laid down by law (the regulation also applies, where appropriate, in cases where the CCP requires that the submissions, arguments or conclusions of the parties or any other procedural documents submitted to court be in writing – Article 148(3) CCP).
- According to the ordinary procedure laid down in Article 199(1) CCP, a statement of claim lodged in person or by a proxy, by post, courier, fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt.
- Moreover, in the special procedure for small claims (applicable to internal disputes), the claimant initiates these proceedings by completing an application form and submitting or sending it to the competent court by post or by any other means that ensures that a confirmation of receipt can be issued (Article 1029(1) CCP).

#### Article 25 1 (c) Authorities or organisations providing practical assistance

In accordance with Article 11(1) of Regulation No 861/2007, as amended, practical assistance in filling in the application form is provided by the lawyers appointed for this purpose on a rotating basis, every three months, as part of the judicial assistance service by each bar association. The list of lawyers thus appointed and their contact details can be seen on the website of the National Union of Romanian Bar Associations and of each association, and is communicated to each court for display at their premises and on the court portal. For the practical assistance provided, the lawyer is entitled to a fee, which is fixed by the protocol concluded, in accordance with the law, for determining the fees payable to lawyers for the provision of out-of-court and legal aid services. The lawyer shall not be entitled to receive from the person assisted any remuneration or other reward, in whatever form. See Article 1 of Article I10 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

## Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

- Article 154(6) and (6<sup>1</sup>) CCP

*Summonses and other procedural documents may be served by the court clerk and by fax, e-mail or other means that ensure the transmission of the document's content and the acknowledgement of receipt thereof, where the party concerned indicated to the court his/her contact details for this purpose. The service of procedural documents must be accompanied by a qualified electronic signature or an advanced electronic signature based on a certificate for electronic signature issued by a Romanian public authority or institution, replacing the court stamp and the signature of the clerk of the hearing as the mandatory references on the summons (Article 154(6) of the new Code of Civil Procedure).*

*Summonses and other procedural documents are deemed to have been served when a message is received from the system used stating that they have arrived at the addressee according to the information they have provided (Article 154(6<sup>1</sup>) of the new Code of Civil Procedure).*

- Article 205(2)(a) CCP

*The reply shall include: the defendant's name and surname, personal identification number and domicile or residence or, for legal persons, the name and registered office and, where appropriate, the registration code or the tax identification number, the entry number in the trade register or register of legal persons, and the bank account if the claimant has not already mentioned it in the claim. The provisions of the second sentence of Article 148(1) shall apply accordingly. If the defendant lives abroad, the reply will also indicate an address in Romania where all communications concerning the case will be sent.*

- Article 194(a) CCP

*The statement of claim shall include:*

*a) the name and surname, domicile or residence of the parties or, for legal persons, their name and registered office. It shall also include the personal identification number or tax identification number, the entry number in the commercial register or entry in the register of legal persons, and the bank account of the applicant and the defendant, if the parties possess or have been assigned those identifiers in accordance with the law, insofar as they are known to the applicant. The provisions of the second sentence of Article 148(1) shall apply accordingly. If the claimant is living abroad, the reply shall also indicate an address in Romania where all communications concerning the case will be sent.*

- Article 148(1)-(3) CCP

*(1) Any request addressed to the courts must be made in writing and must include the name of the court to which it is addressed, the parties' name and surname, domicile or residence or, where applicable, the name and place of their business, their representatives' name and surname, domicile or residence, where applicable, the object, the value of the claim, where applicable, the grounds for the claim and the signature. The request must, where applicable, also include an email address or contract details designated for the purpose by the parties, and a telephone number, fax number and similar.*

*(2) Applications made in person or by a legal representative may be written in electronic format, if it complies with the conditions laid down by law.*

*(3) The provisions of paragraph 2 also apply accordingly in cases where this Code requires that the parties' submissions, arguments or conclusions or any other procedural documents be submitted to court in writing.*

- Article 169 CCP

*After a case has been brought before court, applications, replies or other documents may be sent directly to the court by a lawyer or legal adviser if the parties have one. In this case, the recipient of the request will certify receipt of the copy lodged at the court or, where appropriate, by any other means which ensures that this procedure is completed.*

- Article 199(1) CCP

(1) A statement of claim lodged in person or by a legal representative, by post, courier, fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt.

- Article 149(4) CCP

(4) If the statement has been communicated, in accordance with the law, by fax or e-mail, the clerk is automatically required to make copies of the statement, at the expense of the party obliged to do so. The provisions of Article 154(6) shall continue to apply.

In the special procedure for small claims (applicable to internal disputes), the claimant initiates these proceedings by completing an application form and submitting or sending it to the competent court by post or by any other means that ensures that a confirmation of receipt can be issued (Article 1029(1) CCP).

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

- If the court, in accordance with the law, communicates procedural documents electronically, the parties are implicitly obliged to accept communications made in this way. This applies only when the parties (or their representatives, including lawyers) have provided their e-mail address (see also the reply to (d)).
- If a party, in accordance with the law, communicates procedural documents electronically, the court is implicitly obliged to accept communications made in this way.

Article 25 1 (f) Court fees and the methods of payment

Article 10(1)(b), (2) and (3) of Emergency Government Order No 80/2013 on court stamp duties

(1) With regard to enforcement, the applications listed below are subject to the following duties:

[...] b) application for suspension of enforcement, including provisional enforceability - RON 50.

(2) If the enforcement is contested, the duty is calculated on the value of the goods whose enforcement is contested, or on the amount of the debt in question, when the debt is lower than the value of the goods. This duty may not exceed RON 1 000, irrespective of the amount in dispute. If the subject of the enforcement cannot be valued in money, appealing against enforcement will cost RON 100 in duties.

(3) If the objection to enforcement proceedings also refers, under the conditions laid down in Article 712(2) of the Code of Civil Procedure, to reasons of fact or of law relating to the substance of the law, the stamp duty is determined according to Article 3(1).

Article 33(1) of Emergency Government Order No 80/2013 on court stamp duties

Court stamp duties shall be paid in advance, except where provided for by law.

Article 40(1), (1<sup>^</sup>1) and (2) of Emergency Government Order No 80/2013 on court stamp duties

Court stamp duties may be paid by the debtor in cash, by bank credit transfer or via a remote/online electronic payment system, to a separate local budget revenue account - 'Court stamp duties and other stamp duties' - of the administrative-territorial unit where the natural person has their domicile or residence or, as applicable, where the legal person has its registered office. The costs of transfer of the court stamp duty are borne by the debtor.

Court stamp duties may be collected in cash from the debtor at counters located in any court; they are transferred by the end of the next working day to the separate local budget revenue account - 'Court stamp duties and other stamp duties' - of the administrative-territorial unit where the natural person has their domicile or residence or, as applicable, where the legal entity has its registered office.

If the debtor does not have their domicile, residence or registered office, as applicable, in Romania, the court stamp duty is payable to the local budget account of the administrative-territorial unit of the court where the action is brought or the application is filed.

Small claims made in accordance with the special procedure laid down in the Code of Civil Procedure or under the Small Claims Regulation shall be taxed at RON 50 if the value of the claim does not exceed RON 2 000 or if the value in euro does not exceed the equivalent of RON 2 000, and RON 200 for claims of a value in excess of RON 2 000 or the equivalent in euro. See Article 6(1) of Emergency Order No 80/2013 on court stamp duties.

N.B.: The website <https://portal.just.ro/SitePages/acasa.aspx>, has a subsection for each court entitled 'Bine de știut' [Useful facts], containing information on the accounts into which the stamp duty can be paid.

#### Article 25 1 (g) Appeal procedure and courts competent for an appeal

- In accordance with Article 17 of the Regulation, an appeal may be lodged with a tribunal (court of second instance) within 30 days of the decision being issued (Articles 466(1), 468(1) and 94(1)(k) in connection with Article 95(2) CCP).
- N.B.: In the special procedure for small claims (applicable to internal disputes), the district court decision is subject to appeal before a tribunal only, to be lodged within 30 days of the decision being issued (Article 1033(1) CCP).

#### Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

- Rules of the ordinary procedure:

- an appeal for annulment of the final judgment (extraordinary appeal) can be made if the applicant was not duly summonsed and was not present at the proceedings; the appeal for annulment is lodged with the court whose judgment is being contested (Articles 503(1) and 505(1) CCP);

- review (extraordinary appeal) of a judgment on the substance (or not) may be required if the party was prevented from appearing in court and notifying the court thereof, due to circumstances beyond his control; the application for review must be sent to the court that issued the decision for which review is requested (Article 509(1)(9) and (2) and Article 510(1) CCP);

- a party who misses a deadline is only given a new deadline if he can give duly justified reasons for the delay; to that end, the party complies with the procedural document no later than 15 days from the end of the event preventing performance and requests a new deadline at the same time; in the case of appeals, this deadline is identical to that foreseen for appeals procedures; the request for a new deadline shall be dealt with by the court competent to hear an application relating to the right exercised within the deadline (Article 186 CCP).

The application for review shall be subject to the jurisdiction of the court whose decision is being challenged. See Article 3 of Article 110 of Emergency Government Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended.

#### Article 25 1 (i) Accepted languages

Romanian

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