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Succession

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 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

In Romania claims for recognition and declaration of enforceability (exequatur) fall within the jurisdiction of the court (Articles 95(1) and 1098 of the Code of Civil Procedure). Appeal against the decision on recognition and declaration of enforceability (exequatur) falls within the jurisdiction of the court of appeal (Article 96(2) of Law No 134/2010 on the Code of Civil Procedure).

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

Appeal to the High Court of Cassation and Justice (*Înalta Curte de Casație și Justiție*) (point 1 of Article 97 of the Code of Civil Procedure)

The High Court of Cassation and Justice is located at Bd. Octavian Goga, nr. 2, tronson II, sector 3, cod poștal 030982, Bucharest.

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

Public notary or court.

Under Article I (6) of Law No 206/2016 supplementing Government Emergency Order No 119/2006 on certain measures necessary for the application of Community regulations from the date of Romania's accession to the EU, and amending and supplementing Law No 36/1995 on public notaries and notarial activity:

'The European Certificate of Succession, in accordance with Chapter VI of Regulation No 650/2012, is issued at the request of any of the persons referred to in Article 63(1) of the Regulation, by the public notary who issued the Certificate or in whose archives it is. If the archive of the public notary issuing the certificate of succession in accordance with Romanian law is kept by the Public Notaries Chamber, the European certificate of succession shall be issued by the public notary designated for that purpose by the President of the Chamber's Executive Committee.' [Article 3(1) of Law No 206/2016].

The names and contact details of the public notaries' offices can be found under the link published on the website of the National Union of Notaries Public in Romania <http://www.uniuneanotarilor.ro/?p=2.2.3&lang=ro>.

If the heir, the extent of the estate and/or the extent of the rights and obligations of the succession of the heirs have been established by court order, the European Certificate of Succession shall be issued by the court which gave the judgment.

Article 78 (d) - the redress procedures referred to in Article 72

Challenges drawn up according to Article 72 of Regulation No 650/2012 shall be dealt with by the court which issued, rectified, amended or withdrew the European Certificate of Succession or which suspended the effects of the Certificate or, where applicable, by the court in the district in which the office of the attesting public notary is located. The judgment ruling on the challenge is subject only to appeal. [Article 5(1) of Law No 206/2016].

Applications relating to the rectification, amendment and withdrawal of the European Certificate of Succession fall within the competence of the issuer - the public notary or the court, as the case may be (Art. 1[^] 6, Art. 5 (1) of Law No 206/2016).

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Not applicable.

■ Last update: 19/11/2024

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