

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Brussels IIb Regulation - Matrimonial Matters and Matters of Parental Responsibility \(recast\)](#) > Romania

Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Civil registrar, notary public.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

Not applicable.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

The authority competent to issue the certificate is the court which issued the decision whose recognition is invoked or whose enforcement is sought in another Member State. That court can be a district court (*judecătorie*), a tribunal (*tribunal*) or a court of appeal (*curte de apel*), as appropriate.

For authentic instruments, the authority competent to issue the certificate is the issuer of the document, i.e. the notary public or the registrar, as appropriate.

For agreements – the provision does not apply.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

The courts competent to rectify the certificate referred to in Article 37(1) – the court which delivered the

judgment and issued the certificate referred to in Article 36.

The courts competent to rectify the certificate referred to in Article 48(1) - the court which gave the privileged decision and issued the certificate referred to in Article 47.

The courts competent to issue a certificate indicating the lack or limitation of enforceability as referred to in Article 49 - the court which issued the decision on the lack or limitation of enforceability.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

- Article 30(3): tribunals, in accordance with point 1 of Article 95 of the Code of Civil Procedure;
- Article 40(2): a tribunal, in the same circumstances as those in Article 30(3);
- Article 58(1): a district court, in accordance with Article 651 of the Code of Civil Procedure;
- Article 61(2): a tribunal, in accordance with point 2 of Article 95 of the Code of Civil Procedure;
- Article 62: The Romanian Code of Civil Procedure does not provide for any further challenges subsequent to the appeal lodged against the decision on an application opposing enforcement.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

A bailiff, in accordance with Article 623 of the Code of Civil Procedure.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

In application of Article 61 of the Regulation, the review procedure is the appeal, in accordance with Article 718(1) of the Code of Civil Procedure;

In application of Article 62 of the Regulation, there are no challenges or appeals subsequent to that referred to in Article 61.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

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Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Not applicable.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

English, French and Romanian.

Article 103 (1) (i) - Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

Romanian.

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