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Court fees concerning Small Claims procedure

Romania

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Introduction

The European small claims procedure is regulated by **Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure**.

The system of court stamp fees is regulated by Emergency Order No 80/2013, which has been in force since 26 June 2013. This legislative act was adopted following the amendment to the legal framework for the conduct of civil proceedings through the adoption of the Code of Civil Procedure and the introduction of the new institutions adopted under the Civil Code.

Court stamp fees are payable by all natural and legal persons and are paid in consideration of the services provided by courts as well as by the Ministry of Justice (*Ministerul Justiției*) and the Prosecutor's Office attached to the High Court of Cassation and Justice (*Parchetul de pe lângă Înalta Curte de Casație și Justiție*).

Court stamp fees can be paid online in Romania; however, to date the electronic payment system is not operational.

What fees are applicable?

Court stamp fees are due both at first instance level and for appeals, under the conditions laid down by law.

Natural persons may be entitled, upon request, to reductions, exemptions and instalment payments in respect of payment of the court stamp fees, under Government Emergency Order No 51/2008 on public legal aid in civil matters, approved with amendments by Law No 193/2008, as amended. Legal persons may be granted facilities for the payment of court stamp fees under Article 42(2) of Government Emergency Order No 80/2013.

How much shall I pay?

Under the current legislation, the court stamp fee in order to make an application for a claim is established under Article 3(1) of Government Emergency Order No 80/2013, as follows:

up to the value of RON 500 - 8%, but not less than RON 20;

between RON 501 and RON 5 000 - RON 40 + 7% for values exceeding RON 500;

between RON 5 001 and RON 25 000 - RON 355 + 5% for values exceeding RON 5 000.

What happens if I do not pay the court fees on time?

In accordance with Government Emergency Order No 80/2013, the court stamp fee is payable in advance. If the claimant fails to meet the obligation to pay the fee by the deadline set under the law or by the court, the application will be annulled as unstamped or, where applicable, settled within the limits of the legally paid court stamp fee. Moreover, if the application for facilities for payment of the court stamp fee has been rejected, and the claimant has not paid the due court stamp fee within the deadline set by the court, and has not included any proof of payment in the file, the court annuls the application as not stamped.

How can I pay the court fees?

Court stamp fees are payable by the fee debtor in cash, by bank credit transfer or online to a separate local budget revenues account, 'Court stamp fees and other stamp fees', of the administrative division where the natural person has their domicile or residence or, where applicable, where the legal person has the registered office. The costs of transfer of the fees are borne by the fee debtor.

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

The court stamp fees are payable in cash at the Directorates for Taxes and Duties for the administrative divisions where the natural person has their domicile or residence, or where the legal person has their registered office.

Court stamp fees are payable by bank credit transfer and online.

What shall I do after the payment?

The receipt for payment of the court stamp fees, which is issued for payments in cash or payment order, is submitted when the application is registered.

The receipts or, where applicable, the payment orders for the court stamp fees have no standard format, being issued in the form accepted by the administrative division where the payment is made.

Where the court stamp fee is paid after the court has notified the claimant in this respect, the claimant must add the proof of payment of the fee to the case file within ten days of receipt of the notification.

The proof of payment of the stamp fee may be submitted in person at the court or by post, indicating the number of the file (case) for which the payment has been made. This number is indicated in the notification from the court to the party concerned.

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