

### Article 29(1)(a) - Courts with jurisdiction

The court with jurisdiction to issue a European Payment Order is the court with jurisdiction for hearing the case at first instance. The court with jurisdiction to rule on the request for review is the court whose decision is being challenged, represented by a panel of two judges. See Articles 1 and 2 of Article I/9 of Government Emergency Order No 119/2006 on certain measures necessary to implement certain Community Regulations from the date of Romania's accession to the European Union, approved by Law No 191/2007, as amended.

The court with jurisdiction to issue a European Payment Order is the court with jurisdiction for hearing the case at first instance:

- the district court (judecătoria), which has jurisdiction to hear at first instance claims for a specific amount of money up to and including RON 200 000 or
- the tribunal (tribunalul), which has jurisdiction to hear at first instance all applications which are not by law within the jurisdiction of other courts, thus including claims for a specific amount of money in excess of RON 200 000 - Article 94(1)(k) and Article 95(1) of the new Code of Civil Procedure (regarding payment orders, see Article 1016 of the new Code of Civil Procedure, which provides that the creditor may submit an application for a payment order to the court competent to address the substance of the case at first instance).

### Article 29(1)(b) - Review procedure

#### - procedure under ordinary law:

- final decisions may be contested by way of an extraordinary appeal seeking annulment where the appellant was not duly summoned and was not present at the proceedings; it may be submitted within 15 days of service of the judgment and not later than one year from the date on which it became final; the grounds for the appeal must be set out within the 15 days referred to above — otherwise it will be null and void (Articles 503(1) and 506 of the new Code of Civil Procedure);
- a review of a decision made on, or referring to, the substance of the case may be requested (as an extraordinary appeal procedure) if the party concerned was prevented, by circumstances beyond his or her control, from appearing at the proceedings and notifying the court accordingly; where such circumstances apply, decisions that do not refer to the substance of the case are also subject to review; the time allowed for requesting a review is 15 days, counting from when the preventing circumstances end (Article 509(1)(9), and (2), and Article 511(2) of the new Code of Civil Procedure);
- a party who misses a deadline is only given a new deadline if he or she can give duly justified reasons for the delay; to this end, the party must carry out the necessary proceedings no later than 15 days after the preventing circumstances ended, requesting that they be granted a new time limit; in the case of appeals procedures, this time limit is the same as the time limit required for lodging an appeal; an application to be granted a new time limit will be decided on by the court competent to decide on applications regarding rights not exercised in time (Article 186 of the new Code of Civil Procedure).

#### - special payment order procedure :

- the new Code of Civil Procedure (Articles 1014 to 1025) establishes a particular procedure for payment orders;
- a debtor may lodge an application for annulment of a payment order within 10 days of its being served or notified (Article 1024(1) of the new Code of Civil Procedure);
- a creditor may, within 10 days (Article 1024(2) of the new Code of Civil Procedure), submit an application for annulment of a ruling as required in Article 1021(1) and (2)[1] of the new Code of Civil Procedure, or of a payment order provided for in Article 1022(2)[2];
- an application for annulment will be processed by the court which issued the payment order, represented by a panel of two judges (Article 1024(4) of the new Code of Civil Procedure);
- where the court judging the case admits the application for annulment in full or in part, it will annul the order in full or in part, as applicable, and will issue a final decision; where the court judging the case admits the application for annulment, it will issue a final decision imposing the payment order; a decision dismissing an application for annulment will be final (Article 1024(6) first sentence, (7) and (8) of the new Code of Civil Procedure);
- the party concerned may lodge an appeal against the enforcement of the payment order, in accordance with ordinary law. The appeal may only refer to irregularities in the enforcement procedure or grounds for extinguishing the obligation which have occurred after the payment order became final (Article 1025(2) of the new Code of Civil Procedure).

[1] Article 1021 Challenging the claim:

- (1) Where the debtor challenges the claim, the court verifies whether the challenge is well-founded, on the basis of the documents in the case file and the explanations and clarifications provided by the parties. If the debtor's defence is well-founded, the court will reject the creditor's request by issuing a decision.
- (2) Where the substantive defence presented by the debtor involves the processing of evidence other than that referred to in paragraph (1) and that evidence would be admissible in ordinary law proceedings, in accordance with the law, the court will dismiss the creditor's application for a payment order by issuing a decision.
- (3) In the cases referred to in paragraphs (1) and (2), the creditor may submit an application to lodge legal proceedings under ordinary law.

[2] Under Article 1022(2) of the new Code of Civil Procedure: 'Where the court, having examined the case evidence, finds that the creditor's claims are well-founded only in part, it will issue a payment order only for that part and will also indicate the payment deadline. In such cases, the creditor may submit an application to lodge legal proceedings under ordinary law, with a view to having an obligation imposed on the debtor to pay the remainder of the debt.'

### Article 29(1)(c) - Means of communication

#### - procedure under ordinary law

- Summonses and other procedural documents may be served in accordance with Articles 153 to 173 of the new Code of Civil Procedure. *{Set out below are some examples of how service takes place:*
- summonses and all procedural documents are delivered *ex officio* by procedural agents of the court concerned or any other of its employees, as well as by agents or employees of other courts in whose jurisdiction the addressee of the document to be served resides (Article 154(1) of the new Code of Civil Procedure);

- if documents cannot be served in the manner set out above, they are sent by post, by registered letter with declaration of content and acknowledgement of receipt, in a sealed envelope to which are affixed a proof of receipt/record of delivery form and the notice provided for by law (Article 154(4) of the new Code of Civil Procedure);

- at the request and sole expense of the interested party, procedural documents can be served directly either by bailiffs, who are required to comply with the formalities laid down by procedural law, or by express delivery services (Article 154(5) of the new Code of Civil Procedure);

- 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. Service of procedural documents will be accompanied by the court's extended electronic signature, which will replace the court stamp and the signature of the clerk of the hearing as the mandatory references on the summons. Each court will have a single extended electronic signature for summonses and procedural documents (Article 154(6) of the new Code of Civil Procedure)}.

- **special payment order procedure:**

- the order must be served to the party present or be notified to each party without delay, in accordance with the law (Article 1022(5) of the new Code of Civil Procedure).

#### **Article 29(1)(d) - Accepted languages**

Applications must be completed in Romanian.

Last update: 19/03/2024

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