

Small claims - Romania

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Article 25 1 (a) Competent courts

- The courts with competence to decide in the European Small Claims Procedure are district courts (*judecătorii*), under Article 94(1)(k) of the Code of Civil Procedure (Act No 134/2010, republished^[1], as amended, hereinafter referred to as CCP).

[1]Published in Official Gazette of Romania, Part I, No 247 of 10 April 2015.

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 (*cerere de chemare în judecată*) lodged in person or by a proxy, by post, courier or fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt.
- N.B.: 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 allows a confirmation of receipt to be issued (Article 1029(1) CCP).

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

- We plan to change the law to make it possible to handle requests for practical assistance in filling in the forms. We will update the information as the necessary legislative changes are made.

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

- **Art. 154(6) CCP**

(6) Summonses and other procedural documents may be served by the court clerk and by fax, e-mail/other means that enable the transmission of the document's content and an acknowledgement of receipt, where the party concerned has given the court his/her contact details for this purpose. For acknowledgment purposes, when it sends a procedural document the court also sends a form containing the following: the name of the court, the date, the name of the clerk concerned and the documents sent; this form is to

be filled out by the addressee with the date of receipt, the name written clearly, and the signature of the person responsible for receiving correspondence. The form is returned to the court by fax, e-mail, or other means.

- **Art 205(2) (a) CCP**

The reply shall include: the name and surname, personal identification number, domicile or residence of the defendant 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 defendant has not already mentioned it in the statement of claim. The provisions of Article 148(1)(II) apply accordingly. If the defendant is living abroad, the reply will also give an address in Romania where all communications concerning the case will be sent.

- **Art. 194 (a) CCP**

The statement of claim shall include:

a) the name and surname, domicile or residence of the parties or, for legal persons, the registered office. It shall also include the personal identification number or, 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 of the claimant and the defendant, if the parties have or have been assigned these identification elements in accordance with the law, to the extent that these are known to the claimant. The provisions of Article 148(1)(II) shall apply. If the claimant is living abroad, the reply will also indicate an address in Romania where all communications concerning the case will be sent.

- **Art. 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 name and surname, the domicile or residence of the parties or, where applicable, the name and place of their business, the name and surname, domicile or residence of their representatives, where appropriate, 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 proxy may be written in an 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 submissions, arguments or conclusions of the parties or any other procedural documents submitted to court be in writing.

- **Art. 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.

- **Art. 199(1) CCP**

(1) 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.

- **Art. 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 paragraph (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 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 parties are 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 judicial 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 involved in the contested enforcement, 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, the objection to the enforcement proceedings will be subject to duty of RON 100.

(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, stamp duty is determined according to Article 3(1).

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

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

- **Article 40(1) and (2) of Emergency Government Order No 80/2013 on judicial stamp duties**

If the person liable to pay the judicial stamp duty has no domicile or residence or, where applicable, registered office in Romania, the stamp duty shall be paid into the local budget account of the administrative unit in which the court introducing the action or application is based, in cash, by bank transfer or on-line system; this account shall be a separate account of the local budget revenue for 'judicial and other stamp duties' at the administrative territorial unit where the natural person has his domicile or residence or, where applicable, where the legal person has its registered office.

- To ensure a high level of predictability, we plan to amend legislation in order to comply in particular with Article 15a(a) of Regulation (EU) No 2015/2421 of the European Parliament and of the Council amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European Order for Payment procedure. We will update the information as the necessary legislative changes are made.
- N.B.: The website <http://portal.just.ro/SitePages/acasa.aspx>, for each court, has a subsection entitled 'Bine de știut' [Useful facts], containing information on the accounts into which stamp duties 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 (*contestație în anulare*) can be made if the applicant was not duly summoned 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);

- revision (*revizuire*) 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 revision must be sent to the court that issued the decision the revision of which 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).

- We plan to amend legislation in order to comply accordingly with Regulation (EU) No 2015/2421 of the European Parliament and of the Council amending Regulation (EC) No 861/2007 establishing a European Small Claims Procedure and Regulation (EC) No 1896/2006 creating a European Order for Payment procedure. We will update the information as the necessary legislative changes are made.

Article 25 1 (i) Accepted languages

Romanian

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