

Etusivu>Kanteen nostaminen>Missä ja miten?>Menettelyn kustannukset

Menettelyn kustannukset

Romania

Tällä sivulla kerrotaan oikeudenkäyntikuluista Romaniassa.

Perheoikeus – avioero

Perheoikeus – lasten huoltajuus

Perheoikeus – elatusturva

Kauppaoikeus – sopimus

Kauppaoikeus – vahingonvastuu

Oikeusalan ammattilaisten palkkioiden sääntely

Asianajajat

Yleistä

Asianajajien **palkkiot vaihtelevat** ja määräytyvät asian vaikeustason, laajuuden ja keston perusteella. Asianajaja ja asiakas voivat sopia vapaasti **palkkion määrästä** noudattaen kuitenkin laissa ja ammatillisissa säännöissä asetettuja rajoja.

Maksettavan palkkion määrä voi perustua

tuntihintaan, jolloin asianajaja laskuttaa tekemiensä työtuntien perusteella

kiinteään summaan

summaan, jonka maksaminen riippuu siitä, onko ratkaisu asiakkaan kannalta suotuisa: asianajaja voi pyytää kiinteän summan lisäksi ylimääräisen kiinteän tai muuttuvan summan, jonka maksaminen riippuu siitä, onko ratkaisu asiakkaan kannalta suotuisa (on kuitenkin ankarasti kiellettyä sopia, että asianajajalle maksetaan palkkio vain, jos lopputulos on suotuisa)

sekä tuntipalkkioon että kiinteään palkkioon lopputulokseen katsomatta.

Asianajajan palkkiosta on lähes mahdotonta antaa arviota, koska se selviää vasta, kun asia on esitelty asianajajalle. Tällöin asianajaja arvioi palkkionsa ottaen huomioon kaikki asiaan liittyvät näkökohdat, ennen kaikkea työmäärän, riita-asian arvon ja myös sen, millaisesta riidan osapuolesta on kyse.

Haastemiehet (oikeuden toimeenpanijat)

Yleistä

Palkkio riippuu siitä, kuinka paljon tuomioistuimen päätöksen tai lain mukaisen täytäntöönpanoperusteen täytäntöönpanoon liittyy työtä. Oikeusministeriö on laatinut palkkioasteikon yhteistyössä oikeuden toimeenpanijoiden kansallisen liiton ([Uniunea Națională a Executorilor Judecătorești](#)) kanssa. Palkkion maksaa osapuoli, joka on pyytänyt oikeuden toimeenpanijalta menettelyn toimeenpanoa. Oikeuden toimeenpanijoille maksetaan yleensä toimenpidekohtaisesti.

Kun kyseessä on rahasummiin liittyvien vaateiden toimeenpano, enimmäispalkkiot ovat seuraavat:

Saatavat, joiden arvo on enintään 50 000 leuta	Enimmäispalkkio on 10 prosenttia vaateen arvosta (esimerkiksi jos saatavan arvo on 40 000 leuta, palkkio voi olla enintään 400 leuta (100 euroa).
Saatavat, joiden arvo on yli 50 000 leuta ja enintään 80 000 leuta	Enimmäispalkkio on kiinteästi 5 000 leuta ja 3 prosenttia siitä määrästä, jonka verran saatavan arvo ylittää 50 000 leuta.
Saatavat, joiden arvo on yli 80 000 leuta ja enintään 100 000 leuta	Enimmäispalkkio on 5 900 leuta ja 2 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 80 000 leuta.
Saatavat, joiden arvo on yli 100 000 leuta	Enimmäispalkkio on 6 300 leuta ja 1 prosentti siitä määrästä, jonka verran vaateen arvo ylittää 100 000 leuta.

Tietoja enimmäis- ja vähimmäispalkkioista toimeenpantavan asian tyypin mukaan

Ennen tuomiota (ennen vaateen jättämistä) veloittavat palkkiot

Menettelyasiakirjojen tiedoksianto ja välittäminen	20–400 leuta (5–100 euroa)
Tosiasiallisen tilanteen varmistaminen ja tavaralettelon laatiminen (siviiliprosessilain 239 §)	100–2 200 leuta (25–550 euroa), kun velallinen on luonnollinen henkilö, tai 5 200 leuta (1 300 euroa), kun velallinen on oikeushenkilö
Todellinen tarjousasiakirja	50–350 leuta (12,50–87,50 euroa)
Takavarikoinnit	10 % toteutuneesta arvosta
Takavarikon suojaaminen	100–1 200 leuta (25–300 euroa), kun velallinen on luonnollinen henkilö, tai 2 200 leuta (550 euroa), kun velallinen on oikeushenkilö
Täytäntöönpanoasiakirjojen laatimiseen liittyvä lainopillinen neuvonta	20–200 leuta (5–50 euroa)

Menettelyjen aikana veloittavat palkkiot

Ulosmittaus	Enintään 1 000 leun (250 euron) saatavasta vähimmäispalkkio on 60 leuta (15 euroa); Yli 1 000 leun saatavan tapauksessa 60 leuta ja 2 prosenttia 1 000 leun rajan ylittävistä määrästä.	Kun kyse on enintään 50 000 leun (12 500 euron) summasta, palkkio voi olla enintään 10 prosenttia vaateen arvosta. Kun kyse on 50 001–80 000 leun (20 000 euron) summasta, palkkio on 3 prosenttia vaateen arvosta. Kun kyse on 80 001–100 000 leun (25 000 euron) summasta, palkkio on 2 prosenttia vaateen arvosta. Kun summa ylittää 100 000 leuta, palkkio on 1 prosentti vaateen arvosta.
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Velkojen/saatavien takaisinperintä kiinteään omaisuuteen liittyvän syytteen /toimeenpanon kautta kotipaikan vahvistaminen	Enintään 1 000 leun (250 euroa) saatavasta 150 leuta (37,5 euroa) Yli 1 000 leun saatavasta 150 leuta (37,5 euroa) ja 2 prosenttia 1 000 leun rajan ylittävästä määrästä.	Enimmäispalkkio 400 leuta (100 euroa)
Oikeudellinen takavarikointi	Vähimmäispalkkio 100 leuta (25 euroa)	Enimmäispalkkio 1 200 leuta (300 euroa), kun velallinen on luonnollinen henkilö, tai 2 200 leuta (550 euroa), kun velallinen on oikeushenkilö

Palkkiot, jotka peritään oikeudenkäynnin jälkeen (tuomioistuimen annettua ratkaisunsa)

Alaikäisen huoltajuuden tai kotipaikan vahvistaminen	50–1 000 leuta (noin 12,50 EUR)
Yhteydenpito (alaikäiseen) lapseen / (alaikäisen) lapsen luona vieraileminen	50–500 leuta (noin 12,50–125 euroa)

Mikäli velkoja saadaan perittyä takaisin

Velkojen/saatavien takaisinperintä irtaimeen omaisuuteen liittyvän syytteen /toimeenpanon kautta	Vähimmäispalkkiot Enintään 1 000 leun (250 euroa) saatavasta 60 leuta (15 euroa) Yli 1 000 leun velasta/saatavasta 60 leuta ja 2 prosenttia 1 000 leun rajan ylittävästä määrästä.	Enimmäispalkkiot Enintään 10 prosenttia korkeintaan 50 000 leun (12 500 euron) summasta 50 001–80 000 leun (20 000 euron) summasta 3 prosenttia 80 001–100 000 leun (25 000 euron) summasta 2 prosenttia Yli 100 000 leun summasta 1 prosentti
Velkojen/saatavien takaisinperintä kiinteään omaisuuteen liittyvän syytteen /toimeenpanon kautta	Vähimmäispalkkiot Enintään 1 000 leun (250 euroa) saatavasta 150 leuta (37,5 euroa) Yli 1 000 leun saatavasta 150 leuta (37,5 euroa) ja 2 prosenttia 1 000 leun rajan ylittävästä määrästä.	Enimmäispalkkiot Enintään 10 prosenttia korkeintaan 50 000 leun (12 500 euron) summasta 50 001–80 000 leun (20 000 euron) summasta 3 prosenttia 80 001–100 000 leun (25 000 euron) summasta 2 prosenttia Yli 100 000 leun summasta 1 prosentti

Oikeusalan tekniset asiantuntijat

Oikeusalan teknisten asiantuntijoiden palkkiot vaihtelevat. Oikeusalan teknisestä asiantuntija-arviosta maksettavan palkkion vahvistaa se elin, joka on määrännyt asiantuntija-arvion tehtäväksi. Palkkio perustuu tehtävän monimutkaisuuteen, sen edellyttämän työn laajuuteen ja kyseisen asiantuntijan ammatilliseen ja tieteelliseen kokemukseen.

Oikeusalan tekninen asiantuntija-arvio suoritetaan tuomioistuinten, syyttäväviranomaisten tai muiden sellaisten elinten määräyksestä, joilla on oikeudenkäytöllisiä tehtäviä selvitetessä tiettyyn asiaan tai tiettyihin olosuhteisiin liittyviä tosiseikkoja. Arviota varten nimetään oikeusministeriön hyväksymä oikeusalan tekninen asiantuntija.

Asian osapuolella on oikeus pyytää, että arviointiin osallistuu nimetyn oikeusalan teknisen asiantuntijan lisäksi osapuolen kustannuksella toinen oikeusalan tekninen asiantuntija tai muu asiantuntija. Kyseinen osapuoli nimeää oman asiantuntijansa. Asiantuntija-arvion määränneen oikeudellisen elimen on hyväksyttävä tämä osapuolen neuvonantajaksi. Nimetyn oikeusalan teknisen asiantuntijan palkkion määrittävät osapuoli ja asiantuntija itse yhteisellä sopimuksella. Palkkion maksaa asiantuntijan nimennyt osapuoli.

Kiinteät kulut

Osapuolten kiinteät kulut riita-asialla

Kanteen nostamisesta tuomioistuimessa aiheutuvat kiinteät kulut: oikeudenkäyntimaksut ja leimavero

Tuomioistuimessa nostettuihin kanteisiin, joista peritään oikeudenkäyntimaksuja, on hankittava tuomioistuimen leima.

Oikeudenkäyntimaksut

Oikeudenkäyntimaksut voivat vaihdella 0,50 eurosta yli 1 500 euroon.

Kun **vaateen rahallinen arvo on määriteltävissä** (esimerkiksi elatusapuasioissa tai kauppaoikeudellisissa asioissa), oikeudenkäyntimaksut riippuvat vaateen arvosta:

Vaateen arvo	Oikeudenkäyntimaksun määrä
Enintään 39 leuta	2 leuta
39,01–388 leuta	2 leuta ja 10 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 39 leuta
388,01–3 879 leuta	37 leuta ja 8 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 388 leuta
3 879,01–19 395,00 leuta	316 leuta ja 6 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 3 879 leuta
19 395,01–38 790,00 leuta	1 247 leuta ja 4 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 19 395 leuta
38 790,01–193 948,00 leuta	2 023 leuta ja 2 prosenttia siitä määrästä, jonka verran vaateen arvo ylittää 38 790 leuta
Yli 193 948,00 leuta	5 126 leuta ja 1 prosentti siitä määrästä, jonka verran vaateen arvo ylittää 193 948 leuta

Perheoikeuteen liittyvien kanteiden tapauksessa oikeudenkäyntimaksut ovat seuraavat:

Kun kyseessä on perhesuhteiden huononemisesta johtuva avioero tai aviopuolisoiden yhdessä sopima avioero (Romanian perhelain 38 §:n 1–2 momentti)	39 leuta (10 euroa)
Kun kyseessä on avioero, jonka syynä on se, ettei aviopuoliso kykene hoitamaan perheeseen liittyviä velvoitteitaan vakavan sairautensa vuoksi (Romanian perhelain 38 §:n 3 momentti), tai avioero, joka johtuu aviopuolison tulojen pienuudesta (alittavat kansallisen bruttominimipalkan) tai tulojen puuttumisesta	8 leuta (2 euroa)
Kun kyse on lasten huoltajan määrittämisestä alaikäisen lapsen asuinpaikan vahvistamiseksi tai lapsen tunnustamisesta, jotta lapsi voi käyttää vanhempansa nimeä	6 leuta (2,5 euroa)

Leimavero (noin 1 euro) vaihtelee 1,50 leusta 5 leuhun

Oikeuden päätökset – päätöksestä aiheutuvat kulut (noin 1 euro)

Oikeuden päätökset, haasteet ja ilmoitukset annetaan tiedoksi osapuolille, todistajille, asiantuntijoille tai muille oikeudenkäyntiin osallistuneille henkilöille tai laitoksille **ilmaiseksi**.

Tuomioistuimen asiakirjoihin tai oikeuden sihteerin toimiston todistuksiin tutustuminen tai niiden jäljentäminen on maksullista (maksu enintään 4 leuta).

Oikeaksi todistetun päätöksen hankintakulut (alle 1 euro)

Tuomioistuimille esitetyt pyynnöt, jotka koskevat jäljennösten toimittamista lopullisista ja peruuttamattomista oikeuden päätöksistä	Leimattu asiakirja, tuomioistuimen perimä maksu 2 leuta
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Muut menettelyt: kiinteät kulut

Kääntäjien ja tulkkien palkkiot

1. Kääntäjien ja tulkkien palkkiot

Tuomioistuin määrittelee nämä palkkiot päätöksessään, jossa nimetään kääntäjä tai tulkki. 20 leun vähimmäispalkkio nousee

50 prosenttia, kun käännöksen lähtö- tai kohdekielenä on itämainen kieli (japani, kiina) tai harvoin käytetty kieli tai kun kyse on kiireellisestä (24–48 tunnin sisällä toimitettavasta) käännöksestä

100 prosenttia, kun kyse on simultaanitulkkauksesta tai kun työtä tehdään viikonloppuna, laissa säädettyinä vapaapäivinä tai muina vapaapäivinä tai klo 22:n ja klo 6:n välisenä aikana.

Tarkat palkkiot ovat seuraavat:

Auktorisoidut tulkit	23,15 leuta (noin 6 euroa) tunnilta tai, tilanteen mukaan, alle tunnilta (tunnin murto-osilta)
Käännökset	33,56 leuta (noin 8 euroa) sivulta

Näihin hintoihin lisätään arvonlisävero lain sitä edellyttäessä.

2. Haastemiesten (oikeuden toimeenpanijoiden) palkkiot

Palkkio riippuu siitä, kuinka paljon tuomioistuimen päätöksen tai lain mukaisen täytäntöönpanomääräyksen pakkoäytäntöönpanoon liittyy työtä.

Oikeusministeriö on kuitenkin laatinut palkkioasteikon yhteistyössä [oikeuden toimeenpanijoiden kansallisen liiton](#) kanssa. Ks. edellä oleva oikeuden toimeenpanijoiden palkkioita koskeva kappale.

Muutoksenhaku

Ensimmäisen asteen oikeudenkäynnin kustannukset ovat luonteeltaan samankaltaiset kuin muutoksenhakumenettelyn kulut mutta määrältään 50 prosenttia oikeudenkäynnin kustannuksista.

Kiinteiden oikeudenkäyntikulujen maksamisajankohta

1. Oikeudenkäyntimaksut

Oikeudenkäyntimaksut **suoritetaan etukäteen** ennen asiaankuuluvien asiakirjojen saamista, käsittelyä tai myöntämistä tai pyydetyn palvelun suorittamista.

Käytännössä hakija maksaa oikeiksi arvioimansa oikeudenkäyntimaksut kanteen nostessaan. Tuomioistuin määrittelee ensimmäisessä käsittelyssä maksettavat lainmukaiset oikeudenkäyntimaksut ja pyytää asianmukaisesti osapuolta maksamaan mahdollisen vajauksen.

2. Oikeuden toimeenpanijoiden palkkiot

Täytäntöönpanoa pyytäneen osapuolen on maksettava siitä aiheutuvat kulut ennakoon. Oikeuden toimeenpanijan palkkion etukäteismaksu ei voi kuitenkaan olla edellytys oikeuden päätöksen täytäntöönpanolle.

3. Tulkkien palkkiot

Tulkkauspalveluja pyytäneen osapuolen on maksettava tuomioistuimen määräämä palkkio, viralliset matkustuskulut tai tulkin palkkio viiden päivän sisällä palkkion vahvistamisesta.

4. Asiantuntijapalkkiot

Mahdollinen alustavasti palkkioksi sekä ennakoksi matkakuluja varten vahvistettu summa maksetaan viiden päivän kuluessa oikeusalan teknisen asiantuntijan nimeämisestä. Arviointia pyytänyt osapuoli maksaa sen pankkitilille, jonka paikallinen oikeusalan ja kirjanpidon teknisistä asiantuntija-arvioista vastaava paikallistoimisto on avannut erityisesti tätä varten. Tuomioistuin voi myös päättää, että kulut jaetaan osapuolten kesken.

Oikeusalan teknisestä asiantuntemuksesta maksettavan palkkion vahvistaa se elin, joka on määrännyt asiantuntija-arvion tehtäväksi. Palkkio perustuu tehtävän monimutkaisuuteen, sen edellyttämän työn laajuuteen ja kyseisen asiantuntijan ammatilliseen ja tieteelliseen kokemukseen.

Kiinteät kulut rikosasioissa

Riidan osapuolten kiinteät kulut rikosasioissa

Rikosasiaa koskevan riidan osapuolille ei ole asetettu kiinteitä kuluja.

Kiinteät kulut perustuslakia koskevissa oikeudenkäynneissä

Osapuolten kiinteät kulut perustuslakia koskevissa oikeudenkäynneissä

Perustuslakia koskevissa oikeudenkäynneissä ei ole kiinteitä kuluja.

Oikeudellisten edustajien velvollisuus antaa ennakotietoja

Asianosainten oikeudet ja velvollisuudet

Romaniassa oikeudellisilla edustajilla **ei ole suoraa velvollisuutta** kertoa osapuolille etukäteen heidän oikeuksistaan ja velvoitteistaan, heidän onnistumismahdollisuuksistaan ja oikeudenkäyntiin liittyvistä kuluista. Ammatillisten sääntöjen mukaan asianajajalla on kuitenkin **velvollisuus** antaa asiakkaalleen neuvoja täsmällisesti, tunnontarkasti, moitteettomasti ja huolellisesti.

Kulujen määräytymisperusteet

Missä on tietoja kulujen määrätymisperusteista Romaniassa?

Kulujen määrätymisperusteita koskevia tietoja ei ole helposti saatavilla, koska niitä ei ole julkaistu julkisten laitosten verkkosivuilla eikä niitä mainita tiedotteissa. Näitä tietoja voi saada suoraan alalla työskenteleviltä henkilöiltä tai seuraavista oikeudenkäyntikuluja koskevista säädöksistä.

Oikeudenkäyntimaksuista ja leimaverosta säädetään oikeudenkäyntimaksuista annetussa laissa nro 146/1997 ja leimaveroa koskevassa hallituksen määräyksessä nro 32/1995.

asianajajien palkkioista säädetään oikeuden toimeenpanijoista annetussa laissa nro 188/2000 sekä oikeuden toimeenpanijoiden palveluista veloitettavien vähimmäis- ja enimmäispalkkioiden hyväksymisestä 14. marraskuuta 2006 annetussa määräyksessä nro 2550/C.

oikeusalan teknisten asiantuntijoiden palkkioista säädetään siviiliprosessilaissa ja hallituksen määräyksessä nro 2/2000 lainopillisen tai muun teknisen asiantuntijatoiminnan järjestämisestä.

Kääntäjien ja tulkkien palkkioista säädetään siviiliprosessilaissa, laissa nro 178 sekä auktorisoitujen tulkkien ja kääntäjien palkkioiden vahvistamisesta 5. maaliskuuta 2009 annetussa määräyksessä nro 772.

Millä kielillä tiedot kulujen määrätymisperusteista Romaniassa on annettu?

Lait, joissa säädetään kuluista, ovat saatavissa vain romanian kielellä.

Mistä löydän tietoa sovittelusta?

Sovittelusta säädetään sovittelusta ja sovittelijan ammattiin liittyvistä järjestelyistä annetussa laissa nro 192/2006. Laissa säädetään, että sovittelija on oikeutettu osapuolten kanssa sovittuun palkkioon sekä korvaukseen sovittelusta aiheutuvista kuluista.

Mistä löydän lisätietoa kustannuksista?

Mistä löydän tietoa menettelyjen keskimääräisestä kestosta?

Tilastotietoa menettelyjen keskimääräisestä kestosta saattaa löytyä Romanian oikeuslaitoksen vuotuisesta toimintakertomuksesta, joka on saatavissa romanian kielellä ylimmän tuomarineuvoston yleisiltä verkkosivuilta (ks. kappale 3.4, jonka otsikkona on "Oikeuslaitoksen toiminnan laatuindikaattorit", sivut 155–162).

Arvonlisävero

Oikeudenkäyntimaksuihin, leimaveroon ja oikeusapupöytäkirjaan sisältyviin asianajajapalkkioihin ei lisätä arvonlisäveroa.

Asiakirjojen käännöspalkkioihin lisätään lain mukainen arvonlisävero.

Oikeusapu

Siviilioikeuden alalla sovellettava tuloraja

Keskimääräiset kuukausittaiset nettotulot perheenjäsentä kohden	Myöntämisen ehdot
Alle 500 leuta (noin 125 euroa)	Tulojen on jätävä rajan alle ainakin kahtena kanteen nostamista edeltävänä kuukautena. Tällöin valtio maksaa kokonaan menettelystä aiheutuvat kulut.
Alle 800 leuta (noin 200 euroa)	Tulojen on jätävä rajan alle ainakin kahtena kanteen nostamista edeltävänä kuukautena. Tällöin valtio maksaa 50 prosenttia kuluista.

Oikeusapua annetaan myös silloin,

kun oikeudenkäynnin arvioidut kiinteät tai yhteenlasketut kulut voisivat rajoittaa asiakkaan perustuslaillista oikeutta käyttää tehokkaasti oikeussuojakeinoja tai kun asiakkaan asuinjäsenvaltion ja Romanian väliset elinkustannuserot voisivat rajoittaa hänen oikeuttaan käyttää oikeussuojakeinoja kun erityisessä laissa säädetään oikeudesta oikeusapuun tai ilmaiseen oikeusapuun edunsaajaa suojelevana toimenpiteenä (jos edunsaaja on alaikäinen tai vammainen tai muussa erityistilanteessa) edunsaajan tuloihin katsomatta.

Rikosoikeuden alalla sovellettava tuloraja vastaajan osalta

Tulorajaa sovelletaan vain siviiliasioissa. Rikosasioissa rikosprosessilain 171 § sisältää tätä alaa säätelevät ensisijaiset säännökset. Oikeusapua annetaan vastaajalle, kun

vastaaja on alaikäinen

vastaaja on eristetty sopeutumislaitokseen tai kasvatustehtävää hoitavaan terveydenhoitolaitokseen

vastaaja on jo pidätetty tai häntä on pidetty vankeudessa muun rikosasian yhteydessä

vastaaja on eristetty lääketieteellisistä syistä tai hän saa lääketieteellistä pakkohoitoa

rikostutkinnasta vastaava viranomainen tai tuomioistuimien katsoo, ettei vastaaja kykene puolustamaan itseään

laissa säädetään rangaistukseksi rikoksesta, josta vastaajaa syytetään, elinkautinen vankeustuomio tai vähintään viiden vuoden vankeustuomio.

Rikosoikeuden alalla sovellettava tuloraja uhrin osalta

Tulorajaa ei sovelleta uhreihin rikosoikeuden alalla. Rikosprosessilain 173 § sisältää tätä alaa säätelevät keskeiset säännökset.

Maksuton oikeudenkäynti

Seuraavista kanteista ei lain nojalla peritä lainkaan oikeudenkäyntimaksuja:

kaikki kanteet, jotka koskevat 1) lasten oikeuksien suojelua ja tukemista (asiasta säädetään laissa nro 272/2004 lasten oikeuksien suojelusta ja edistämisestä), 2) holhousta, 3) edunvalvontaa, 4) vakavista mielisairauksista kärsiville henkilöille annettavaa apua

kanteet, jotka koskevat lakiin ja sopimuksiin perustuvia elatusvelvollisuuksia, ja kaikki adoptiota koskevat kanteet (asiasta säädetään adoptiosta annetussa laissa nro 273/2004)

muut kanteet eri lakien mukaisesti.

Missä tapauksessa hävinnyt osapuoli joutuu maksamaan voittaneen osapuolen kulut?

Siviiliasioissa kulujen maksamisesta ja korvaamisesta säädetään siviiliprosessilain 274–276 §:ssä. Periaatteessa toimitaan seuraavasti:

Hävinnyt osapuoli joutuu (pyydettyänsä) maksamaan oikeusjutun kulut.

Tuomari ei voi alentaa voittaneen osapuolen maksamaa oikeudenkäyntimaksua tai muita kuluja.

Vastaajan, joka on tunnustanut kantajan nostaman kanteen ensimmäisessä käsittelyssä, ei tarvitse maksaa oikeudenkäyntikuluja, paitsi jos haastemies on ilmoittanut hänelle asiasta virallisesti erityisessä vaateen jättämisestä edeltävässä menettelyssä, joka esitellään edellä.

Rikosasioissa kulujen maksamisesta ja korvaamisesta säädetään rikosprosessilain 189–193 §:ssä. Periaatteessa toimitaan seuraavasti:

Prosessuaalisten toimenpiteiden toteuttamisesta, todisteiden hallinnoimisesta ja todistusaineiston säilyttämisestä aiheutuvat kulut, asianajajien palkkiot sekä muut rikosoikeudenkäynteihin liittyvät kulut katetaan valtion siirtämisestä summista, tai osapuolet maksavat ne.

Jos asiassa langetetaan tuomio, vastaajan on maksettava valtiolle aiheutuneet oikeudenkäyntikulut, lukuun ottamatta lainkäyttöelinten nimeämien tulkkien palkkioita ja tapauksia, joissa on myönnetty ilmaista oikeusapua.

Jos tuomio on vapauttava tai jos rikosoikeudenkäynti keskeytetään, valtion oikeudenkäyntikulut maksetaan seuraavasti:

Jos tuomio on vapauttava, kulut maksaa a) uhri, siinä määrin kuin hän on aiheuttanut ne; b) siviiliosapuoli, jonka siviilikanteet on hylätty kokonaan, siinä määrin kuin tämä osapuoli on aiheuttanut nämä kulut; c) vastaaja, kun hän joutuu vapauttavasta tuomiosta huolimatta maksamaan vahingonkorvausta.

Jos rikosoikeudenkäynti keskeytetään, kulut maksaa a) vastaaja, jos rikosvastuun on määrätty siirtyvän tai jos on syytä jättää rankaisematta vastaajaa; b) kumpikin osapuoli, jos asia sovitaan; c) uhri, jos kanne perutaan tai jos se on toimitettu tuomioistuimeen myöhässä.

Jos armahduksen tai kanteen vanhentumisen tai perumisen yhteydessä tai tilanteessa, jossa on syy jättää rankaisematta vastaajaa, vastaaja pyytää jatkamaan rikosoikeudenkäyntiä, oikeudenkäyntikulut maksaa uhri tai vastaaja muiden asiaan liittyvien lain säännösten mukaisesti.

Kaikissa muissa tapauksissa valtio maksaa omat oikeudenkäyntikulunsa.

Asiantuntijapalkkiot

Siviiliprosessilain 274 §:ssä säädetään, että hävinneen osapuolen on vaadittaessa maksettava oikeudenkäyntikulut, joihin sisältyvät voittaneen osapuolen maksamat oikeusalan teknisistä asiantuntijoista aiheutuneet kulut.

Asiakirjoja

Romanian tutkimusraportti kulujen avoimuudesta  (544 Kb) 

Päivitetty viimeksi: 03/11/2020

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Case study 1 - family law - divorce - Romania

In this case study on family law – divorce, Member States were asked to advise the party that files for divorce on litigation costs in order to consider the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

NOTE – 1. The answers pertaining to all the case studies were provided assuming that the claim is made in the Romanian courts **2.** For better comprehension, the calculation of costs took into account the following hypothetical currency rate – EUR 1 = RON 4 (Romanian currency).

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals
	Initial court fees	Transcription fees	Other fees	Initial court fees
Case A	RON 39.3 (approximately EUR 10) comprising RON 39 (court fee) and RON 0.3 (stamp duty) Exception – RON 8.3 (approximately EUR 2) comprising RON 8 (court fees) and RON 0.3 (stamp duty), if the party does not have an income or the income is lower than the minimum national gross salary	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks) photocopying charges (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	Legalisation - attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) Supralegalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) - only if it is necessary for the party	The decision cannot be appealed in this case, as the divorce is agreed by both parties
Case B	RON 39.3 (approximately EUR 10) comprising RON 39 (court fee) and RON 0.3 (stamp duty) Exception – RON 8.3 (approximately EUR 2) comprising RON 8 (court fees) and RON 0.3 (stamp duty) if the party does not have an income or the income is lower than the minimum national gross salary	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), photocopying costs (varying between EUR 0.05 and EUR 1.25 per each copy) must be paid	Legalisation -Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) Supralegalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) only if it is necessary for the party	The decision cannot be appealed in this case, as the divorce is agreed by both parties.

Case Study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract	NO	Not applicable in this case	Not applicable in this case

		Not applicable in this case, as representation is not compulsory			
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case	Not applicable in this case

Case Study	Expert				
	Is use compulsory?			Cost	
Case A	NO			Not applicable in this case	
Case B	NO			Not applicable in this case	

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes. However, this case does not require witnesses.	Not applicable in this case	Not applicable in this case	Not applicable in this case
Case B	Yes. However, this case does not require witnesses.	Not applicable in this case	Not applicable in this case	Not applicable in this case

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	NO
Case B	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	NO

Costs for translation and interpretation

Case study	Translation	
	When and under which conditions is it necessary?	Approximative cost?
Case A	Not applicable in this case	Not applicable in this case.
Case B	When documents submitted to the court (part of the case dossier) are written in another language	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid

Case study	Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximative cost?	Description	Approximative cost?
Case A				

	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)		
Case B	If at least one of the parties does not speak Romanian.	RON 23.15 per hour (approximately EUR 6)	Yes, but are supported by the state	-

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Case study 2 - family law - custody of the children - Romania

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorised to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees
Case A	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid
Case B	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid

Case Study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator.
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator.

Costs for lawyer, bailiff and expert

Case Study	Lawyer	Bailiff
	Average costs	Pre-judgment costs
		Post-judgment costs

	Is representation compulsory?		Is representation compulsory?		
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification – RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification – RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee

Case Study	Expert	
	Is use compulsory?	Cost
Case A	NO	Not applicable in this case
Case B	NO	Not applicable in this case

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached

Case	Reimbursement
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study				
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes	In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO
Case B	Yes	In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description	Approximative cost?
Case A	Not applicable in this case	Not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	-	-
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when the party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.	If at least one of the parties does not speak Romanian. State A= Romania	RON 23.15 per hour (approximately EUR 6)	Yes, but are borne by the state	-

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Case study 3 - family law - alimony - Romania

In this case study on family law – alimony, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
Case A	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty)	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR	-

		(varying between EUR 0.05 and EUR 1.25 per copy) must be paid	2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party		0.05 and EUR 1.25 per copy) must be paid	
Case B	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	

Case study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator.
Case B	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory ?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgement) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
Case B	NO		NO		

		Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory		Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
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Case study	Expert	
	Is use compulsory?	Cost
Case A	NO	Not applicable in this case
Case B	NO	Not applicable in this case

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Not applicable in this case, as no witnesses will be heard	Not applicable in this case, as no witnesses will be heard	If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty)
Case B	Not applicable in this case, as no witnesses will be heard	Not applicable in this case, as no witnesses will be heard	If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	Yes	In general 100% of the costs are reimbursed.	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	Yes	In general 100% of the costs are reimbursed.	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO

Costs for translation and interpretation

Case study	Translation	Interpretation	Other costs specific to cross-border disputes?
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	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A	Not applicable in this case	Not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when the party contests the accuracy of a document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract, or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.	If at least one of the parties does not speak Romanian. State A = Romania	RON 23.15 per hour (approximately EUR 6)	Yes, but are supported by the State

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Case study 4 - commercial law - contract - Romania

In this case study on commercial law – contract, Member States were asked to advise the seller on litigation costs in order to consider the following situations:

Case A – National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed.

The seller decides to sue to obtain the full payment of the price.

Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees
Case A	RON 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of the initial court fees, namely RON 1,424.5999 (approximately EUR 355)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid
Case B	RON 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of the initial court fees, namely RON 1,424.5999 (approximately EUR 355)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid

Case study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost which will be established by the court, depending on the complexity of the expertise.
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost, established by the court depending on the level of expertise required

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs of such preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs of such preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Not applicable	Not applicable	Not applicable
Case B	Not applicable	Not applicable	Not applicable

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there when legal aid should be reimbursed?
Case A	Yes	In general 100% of the costs are reimbursed	All the costs can be reimbursed in this case. All the costs can be reimbursed, except for costs involved in the following situation: The buyer who admits the seller's claim at the first hearing need not pay the judicial costs, except where he or she was notified before the hearing Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses. Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.	NO
Case B	Yes	In general 100% of the costs are reimbursed	All the costs can be reimbursed in this case. All the costs can be reimbursed, except for costs involved in the following situation: The buyer who admits the seller's claim at the first hearing need not pay the judicial costs, except where he or she was notified before the hearing Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses. Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A	In general, not applicable in this case	In general, not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write	RON 23.15 per hour (approximately EUR 6)	-
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when a party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid	If at least one of the parties does not speak Romanian. State A = Romania	RON 23.15 per hour (approximately EUR 6)	Yes, they are borne by the State

Last update: 03/11/2020

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Case study 5 - commercial law - responsibility - Romania

In this case study on commercial law – responsibility, Member States were asked to advise the customer on litigation costs in order to consider the following situations:

Case A – National situation: A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

Case B – Transnational situation: A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court		
	Initial court fees	Transcription fees	Other fees
Case A	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around EUR 0.5 and over EUR 1300	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party
Case B	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around EUR 0.5 and over EUR 1300	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party

Appeals	ADR
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Case Study					
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	50% of the initial costs for bringing the action before the court	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	-	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	50% of the initial costs for bringing the action to the court.	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	-	Yes	

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - depends on the sum awarded by the court as compensation	Yes	Variable costs, established by the court depending on the level of expertise required
Case B	NO	Variable costs depending on the legal assistance contract. Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - depends on the sum awarded by the court as compensation	Yes	Variable costs, established by the court depending on the level of expertise required

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs such preserved documents) If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty) RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs such as preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid			
	When and under which conditions is it applicable?	When is support total?	Conditions?	
Case A	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	
Case B	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes	In general 100% of the costs are reimbursed.	All the costs can be reimbursed in this case All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing In the case when the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs. The court can also order the compensation of the expenses. Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer	NO
Case B	Yes	In general 100% of the costs are reimbursed	All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing In the case when the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs. The court can also order the compensation of the expenses. Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A					

	In general, not applicable in this case	In general, not applicable in this case.	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when a party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid	If at least one of the parties does not speak Romanian. State A = Romania	RON 23.15 per hour (approximately EUR 6)	Yes, they are borne by the state

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