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Coûts

Roumanie

La présente partie fournit des informations sur les frais de justice en Roumanie.

[Droit de la famille - divorce](#)

[Droit de la famille – garde des enfants](#)

[Droit de la famille – pension alimentaire](#)

[Droit commercial – contrat](#)

[Droit commercial – responsabilité](#)

Cadre réglementaire régissant les honoraires des professions juridiques

Avocats

Généralités

Les **honoraires** des avocats **sont variables**. Ils sont fonction du degré de difficulté, de l'ampleur et de la durée de l'affaire. Le **niveau des honoraires** peut être convenu librement entre l'avocat et son client mais il doit rester dans les limites fixées par la loi et par les règlements régissant la profession.

Le niveau des honoraires à régler peut reposer sur:

un taux horaire appliqué au nombre d'heures de travail;

une somme fixe;

un montant qui dépend de l'issue positive de l'affaire: outre une somme fixe, l'avocat peut demander le versement d'une somme supplémentaire, fixe ou variable, en cas de succès (néanmoins, il est strictement interdit de fonder les honoraires des avocats exclusivement sur le résultat judiciaire);

des honoraires à la fois fixes et basés sur un taux horaire, indépendamment du résultat obtenu.

Il est quasiment impossible de fournir une estimation des honoraires car cette information ne peut être obtenue qu'après présentation de l'affaire à un avocat, lequel déterminera ses honoraires en prenant en compte tous les éléments nécessaires, notamment la charge de travail, la valeur du litige et la nature de la partie adverse.

Huissiers de justice(exécuteurs judiciaires)

Généralités

Le niveau des honoraires dépend des tâches qui ont dû être réalisées pour obtenir l'exécution forcée d'une décision de justice ou d'un titre exécutoire. Une fourchette d'honoraires a toutefois été fixée par le **ministère de la justice**, en concertation avec l'**Union nationale des huissiers de justice**. Les honoraires sont dus par la partie qui demande à l'huissier l'exécution d'une procédure. Les huissiers sont généralement rémunérés à l'acte.

Dans le cas d'une exécution forcée de créances portant sur le paiement d'une somme d'argent, les honoraires ne peuvent dépasser les montants suivants:

Pour les créances d'un montant supérieur ou égal à 50 000 RON	Le montant des honoraires ne peut dépasser 10 % de la créance (par exemple, pour une créance de 40 000 RON, le montant des honoraires ne peut dépasser 400 RON (100 EUR).
Pour les créances d'un montant compris entre 50 000 RON et 80 000 RON	Le montant maximal des honoraires est calculé comme suit: 5 000 RON (somme forfaitaire) + 3% de la partie du montant de la créance dépassant 50 000 RON.
Pour les créances d'un montant compris entre 80 000 RON et 100 000 RON	Le montant maximal des honoraires est calculé comme suit: 5 900 RON (somme forfaitaire) + 2 % de la partie du montant de la créance dépassant 80 000 RON.
Pour les créances d'un montant supérieur à 100 000 RON	Le montant maximal des honoraires est calculé comme suit: 6 300 RON (somme forfaitaire) + 1% de la partie du montant de la créance dépassant 100 000 RON.

Informations détaillées sur le montant minimal et maximal des honoraires en fonction du type d'acte d'exécution forcée

Honoraires facturés avant le jugement (avant l'introduction de la requête)

Notification et communication des documents de procédure	Entre 20 RON (5 EUR) et 400 RON (100 EUR)
Constatation d'une situation de fait et inventaire des biens (article 239 du Code de procédure civile):	Entre 100 RON (25 EUR) et 2 200 RON (550 EUR) si le débiteur est une personne physique et entre 100 RON (25 EUR) et 5 200 RON (1300 EUR) si le débiteur est une personne morale.
Procès-verbal d'une offre réelle	Entre 50 RON (12,5 EUR) et 350 RON (87,5 EUR)
Saisies	10% de la valeur.
Mise sous séquestre à titre de garantie	Entre 100 RON (25 EUR) et 1 200 RON (300 EUR) si le débiteur est une personne physique et entre 100 RON (25 EUR) et 2 200 RON (550 EUR) si le débiteur est une personne morale.
Consultation juridique liée à l'établissement de titres exécutoires	Entre 20 RON (5 EUR) et 200 RON (50 EUR)

Honoraires facturés pendant les procédures

Saisie-arrêt	60 RON (15 EUR) de frais minimaux pour les créances inférieures ou égales à 1000 RON (250 EUR) 60 RON plus 2 % de la partie de la somme dépassant 1 000 RON pour les créances supérieures à 1 000 RON	Pour des sommes inférieures ou égales à 50 000 RON (12 500 EUR), les frais peuvent représenter jusqu'à 10 % de la valeur du litige; Pour des sommes comprises entre 50 001 RON et 80 000 RON (20 000 EUR), les frais représentent 3 % de la valeur du litige; Pour des sommes comprises entre 80 001 RON et 100 000 RON (25 000 EUR), les frais représentent 2 % de la valeur du litige; et
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		Pour des sommes supérieures à 100 000 RON, les frais représentent 1% de la valeur du litige.
Plainte concernant le non-paiement de traites, de billets à ordre et de chèques	Frais minimaux de 150 RON (37,5 EUR)	Frais maximaux de 400 RON (100 EUR)
Mise sous séquestre judiciaire	Frais minimaux de 100 RON (25 EUR)	Frais maximaux de 1 200 RON (300 EUR) si le débiteur est une personne physique et de 2 200 RON (550 EUR) si le débiteur est une personne morale.

Honoraires facturés après la procédure (après que le tribunal a rendu son jugement)

Placement d'un mineur ou établissement de la résidence d'un mineur	Entre 50 RON (environ 12,5 EUR) et 1 000 RON (250 EUR)
Contact avec un enfant/droit de visite de l'enfant (mineur)	Entre 50 RON (environ 12,5 EUR) et 500 RON (125 EUR)

En cas de recouvrement de dettes

Recouvrement de dettes/créances par demande de saisie/exécution forcée sur biens meubles	Frais minimaux 60 RON (15 EUR) pour les créances inférieures ou égales à 1 000 RON (250 EUR); 60 RON +2 % de la partie de la somme dépassant 1 000 RON pour les dettes/créances supérieures à 1 000 RON.	Frais maximaux Jusqu'à 10 % pour des sommes inférieures ou égales à 50 000 RON (12 500 EUR); 3 % pour des sommes comprises entre 50 001 RON et 80 000 RON (20 000 EUR); 2 % pour des sommes comprises entre 80 001 RON et 100 000 RON (25 000 EUR); 1 % pour des sommes dépassant 100 000 RON.
Recouvrement de dettes/créances par demande de saisie/exécution forcée sur biens immeubles	Frais minimaux 150 RON (37,5 EUR) pour les créances inférieures ou égales à 1 000 RON (250 EUR); 150 RON (37,5 EUR) +2% de la partie de la somme dépassant 1 000 RON pour les créances supérieures à 1 000 RON.	Frais maximaux Jusqu'à 10% pour des sommes inférieures ou égales à 50 000 RON (12 500 EUR); 3 % pour des sommes comprises entre 50 001 RON et 80 000 RON (20 000 EUR); 2 % pour des sommes comprises entre 80 001 RON et 100 000 RON (25 000 EUR); 1 % pour des sommes dépassant 100 000 RON.

Experts judiciaires

Les honoraires des experts judiciaires sont variables. Les honoraires définitifs pour l'expertise judiciaire sont fixés par l'organe qui a demandé l'expertise, en fonction de la difficulté de la tâche, de la quantité de travail fourni et du niveau professionnel ou scientifique de l'expert judiciaire.

L'expertise judiciaire est effectuée sur décision émanant d'un organe judiciaire ou pénal, ou de tout autre organe doté de pouvoirs juridictionnels, dans le but d'apporter des éclaircissements sur une affaire. L'expert judiciaire désigné doit être agréé par le ministère de la justice.

La partie intéressée a le droit de demander, à ses frais, qu'un expert judiciaire ou un spécialiste, nommé par elle et autorisé par l'organe judiciaire ayant demandé l'expertise, participe à l'expertise aux côtés de l'expert désigné, en qualité de conseiller. Les honoraires de l'expert judiciaire ainsi nommé sont fixés d'un commun accord entre l'expert et la partie, sur la base des relations contractuelles qui les lient, et sont dus par la partie qui l'a nommé.

Frais fixes

Frais fixes supportés par les parties à une procédure civile

Frais fixes dans les procédures civiles: frais d'instance et droit de timbre

Les litiges portés devant les juridictions sont soumis à des frais d'instance et au timbre judiciaire.

Frais d'instance

Les **frais d'instance** peuvent varier de 0,5 EUR environ à plus de 1 500 EUR.

Pour les **litiges dont la valeur peut être évaluée financièrement** (par exemple dans les affaires de pension alimentaire et les litiges commerciaux), les frais d'instance varient selon la valeur du litige:

Valeur du litige	Montant des frais d'instance
Jusqu'à 39 RON	2 RON
De 39,01 RON à 388 RON	2 RON plus 10 % de la partie de la somme dépassant 39 RON
De 388,01 RON à 3 879 RON	37 RON plus 8% de la partie de la somme dépassant 388 RON
De 3 879,01 RON à 19 395,00 RON	316 RON plus 6% de la partie de la somme dépassant 3 879 RON
De 19 395,01 RON à 38 790,00 RON	1 247 RON plus 4% de la partie de la somme dépassant 19 395 RON
De 38 790,01 RON à 193 948,00 RON	2 023 RON plus 2% de la partie de la somme dépassant 38 790 RON
Au-delà de 193 948,00 RON	5 126 RON plus 1% de la partie de la somme dépassant 193 948 RON

Pour litiges relevant du **droit de la famille**, les frais d'instance suivants s'appliquent:

En cas de divorce causé par la détérioration des liens familiaux ou de divorce par consentement mutuel (article 38, paragraphes 1 et 2, du code de la famille roumain)	39 RON (10 EUR)
En cas de divorce causé par l'impossibilité d'un des époux à assumer ses obligations familiales en raison de maladie grave (article 38, paragraphe 3 du code de la famille roumain) ou de divorce en raison du revenu faible d'un des époux (inférieur au salaire minimum brut national) ou en raison de l'absence de revenu	8 RON (2 EUR)
Pour la garde des enfants, pour la fixation du domicile d'un enfant mineur, pour la reconnaissance d'un enfant afin que celui-ci puisse utiliser le nom du parent	6 RON (2,5 EUR)

Droit de timbre (environ 1 EUR) – varie entre 1,5 RON et 5 RON

Décisions de justice – coût de la décision (environ 1 EUR)

Les décisions judiciaires, les citations à comparaître et les notifications sont communiquées **gratuitement** aux parties, aux témoins, aux experts et à toute autre personne ou institution partie à la procédure.

La consultation et la copie de documents du dossier judiciaire et des certificats au greffe du tribunal sont payantes (maximum 4 RON).

Coût d'obtention d'une décision authentifiée (inférieur à 1 EUR)

Demandes de délivrance de copies de décisions de justice définitives et irrévocables	Avec apposition de l'apostille, frais d'instance de 2 RON
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Autres procédures: frais fixes

Honoraires dus aux traducteurs et interprètes

Honoraires des traducteurs ou interprètes

Ils sont déterminés par le tribunal dans la décision qui nomme l'interprète ou le traducteur. Le tarif minimal de 20 RON est augmenté: de 50% pour les traductions à partir d'une langue orientale (japonais, chinois) ou d'une langue rare ou vers celles-ci, ou pour des traductions urgentes (sous 24 à 48 heures);

de 100% pour une interprétation simultanée, ou en cas de travail pendant les week-ends, les jours fériés ou les jours non ouvrables, ou entre 22h et 6h.

Les honoraires précis sont indiqués ci-après.

Pour les interprètes jurés	23,15 RON (environ 6 EUR) par heure ou, le cas échéant, pour moins d'une heure (tarif horaire)
Pour les traductions	33,56 RON (environ 8 EUR) par page

La TVA vient en sus de ces montants, lorsqu'elle est applicable.

Honoraires des huissiers de justice (exécuteurs judiciaires)

Les honoraires dépendent de la quantité de travail nécessaire pour obtenir l'exécution forcée d'une décision de justice ou d'un titre exécutoire. Une fourchette d'honoraires a toutefois été fixée par le ministère de la Justice et des libertés des citoyens en concertation avec l'

[Union nationale des exécuteurs judiciaires](#). Veuillez vous référer à la rubrique consacrée aux huissiers de justice.

Recours

Les coûts d'un procès en première instance sont similaires en nature à ceux exigibles pour un recours, mais s'élèvent à 50% des frais encourus pendant le procès.

Stade de la procédure civile auquel les frais fixes doivent être acquittés

1. Frais d'instance

Ces frais sont **payables d'avance**, avant la réception, le traitement ou l'émission de la documentation en question ou avant la prestation du service demandé. Dans la pratique, le demandeur règle les frais d'instance qu'il estime appropriés au moment de dépôt de la requête. À la première audience, le tribunal fixe les frais d'instance à régler et invite le cas échéant la partie à acquitter le solde des frais.

2. Honoraires des huissiers

Les dépenses liées à l'exécution doivent être réglées d'avance par la partie à l'origine de la requête. Toutefois, le paiement anticipé des honoraires des huissiers de justice ne saurait être une condition de l'exécution des décisions de justice.

3. Frais d'interprétation

La partie qui a demandé des services d'interprétation doit régler les frais fixés par le tribunal, les frais officiels de déplacement ou les honoraires de l'interprète dans un délai de 5 jours à compter de la date de fixation des honoraires.

4. Honoraires des experts

Dans les cinq jours qui suivent la désignation de l'expert judiciaire, la partie qui a demandé l'expertise verse, sur un compte du bureau local des expertises judiciaires et comptables ouvert à cet effet, la somme convenue pour les honoraires provisoires et, le cas échéant, l'avance sur les frais de déplacement. Le tribunal peut également ordonner que ces dépenses soient supportées par les deux parties.

Les honoraires définitifs pour l'expertise judiciaire sont fixés par l'organe qui a demandé l'expertise, en fonction de la difficulté de la tâche, de la quantité de travail fourni et du niveau professionnel ou scientifique de l'expert ou du spécialiste.

Frais fixes dans les procédures pénales

Frais fixes supportés par les parties à une procédure pénale

Il n'y a pas de frais fixes dans les procédures pénales.

Frais fixes dans les procédures constitutionnelles

Frais fixes supportés par les parties à une procédure constitutionnelle

Il n'y a pas de frais fixes dans les procédures constitutionnelles.

Informations préalables que doivent fournir les représentants légaux

Droits et obligations des parties

En Roumanie, les représentants légaux **n'ont pas l'obligation directe** de fournir aux parties des informations préalables sur leurs droits et obligations, sur leurs chances d'obtenir gain de cause, ni sur les coûts des procédures. Cependant, en vertu du règlement sur la profession juridique, l'avocat a le **devoir** de conseiller son client de manière rapide, consciencieuse, correcte, et diligente.

S'informer sur les frais de justice

Où trouver des informations sur les frais de justice en Roumanie?

Les informations relatives aux frais de justice ne sont pas faciles à trouver, car elles ne figurent pas sur les sites web des institutions publiques ni dans des brochures. Ces informations peuvent être obtenues directement auprès des professionnels sur le terrain ou en consultant les lois suivantes sur les frais de justice.

Les **frais d'instance et le droit de timbre** sont régis par la loi n°146/1997 sur les frais d'instance et par l'ordonnance 32/1995 du gouvernement sur le droit de timbre.

les **honoraires des avocats** sont régis par la **loi n° 188/2000** sur les huissiers de justice ainsi que par le règlement n° 2550/C du 14 novembre 2006 portant approbation des honoraires minimaux et maximaux des huissiers de justice.

les **honoraires des experts judiciaires** sont régis par le Code de procédure civile et par l'ordonnance n°2/2000 sur l'organisation de l'activité de l'expertise technique judiciaire ou extrajudiciaire.

Les honoraires des traducteurs et interprètes sont régis par le Code de procédure civile, par la loi n°178 et par le **règlement n°772 du 5 mars 2009** sur l'établissement des honoraires des interprètes et traducteurs assermentés.

Dans quelles langues obtenir ces informations?

Les lois régissant les frais **ne sont disponibles qu'en roumain.**

Où trouver des informations concernant la médiation?

La médiation est régie par la loi n°192/2006 sur la médiation et sur l'organisation de la profession de médiateur. Elle prévoit que le médiateur peut prétendre à une **rémunération convenue avec les parties** ainsi qu'au remboursement des dépenses encourues en rapport avec la médiation.

Où trouver des informations complémentaires sur les frais?

Où trouver des informations sur la durée moyenne des différentes procédures?

Des informations statistiques sur la durée moyenne des procédures figurent dans le rapport annuel sur l'activité judiciaire en Roumanie, disponible en roumain sur les sites web publics du Conseil supérieur de la magistrature (voir le chapitre 3.4 sur les **indicateurs de qualité de l'activité judiciaire**, pages 155-162).

Taxe sur la valeur ajoutée

Aucune TVA n'est applicable aux frais d'instance, droit de timbre et honoraires des avocats dans le cadre d'un contrat d'assistance juridique.

Pour la traduction des documents, la TVA vient en sus des honoraires dans les cas prévus par la loi.

Aide juridictionnelle

Plafond de revenu applicable dans les procédures civiles

Revenu moyen mensuel net par membre de la famille	Conditions d'octroi
Inférieur à 500 RON (environ 125 EUR)	Le revenu doit avoir été inférieur au plafond pendant au moins les 2 mois qui précèdent la saisine du tribunal, auquel cas les frais sont entièrement pris en charge par l'État.
Inférieur à 800 RON (environ 200 EUR)	Le revenu doit avoir été inférieur au plafond pendant au moins les 2 mois qui précèdent la saisine du tribunal, auquel 50% des frais sont pris en charge par l'État.

L'aide juridictionnelle est également accordée:

si les frais d'instance, fixes ou globalement estimés, risquent de restreindre le **droit** constitutionnel de la victime à **un accès efficace à la justice**;

si son droit d'accès à la justice risque d'être limité en raison des **différences de coût de la vie** entre l'État membre de résidence et la Roumanie;

si, indépendamment du revenu du bénéficiaire, une loi spécifique prévoit le droit à l'aide juridictionnelle ou l'exonération totale des frais à titre de **mesure de protection** (si le bénéficiaire est mineur, handicapé, ou se trouve dans une autre situation particulière).

Plafond de revenu applicable aux défendeurs dans les procédures pénales

Le concept de plafond ne s'applique qu'aux procédures civiles. En matière pénale, les principales dispositions légales qui régissent cette question sont prévues par l'article 171 du Code de procédure pénale. L'aide juridictionnelle est accordée aux **défendeurs** si:

ils sont mineurs;

ils ont effectué un séjour en centre éducatif fermé ou dans un institut médico-éducatif;

ils ont déjà été arrêtés ou incarcérés dans le cadre d'une ou de plusieurs autres affaires pénales;

ils ont été hospitalisés de force ou reçoivent un traitement médical obligatoire;

l'autorité chargée de l'enquête pénale ou le tribunal estime que le défendeur n'est pas capable d'assurer sa propre défense;

la peine prévue par la loi pour l'infraction présumée est la détention à perpétuité ou une peine de prison de 5 ans minimum.

Plafond de revenu applicable aux victimes dans les procédures pénales

Le concept de plafond ne s'applique pas aux victimes en matière de justice pénale. Les dispositions légales régissant cette question sont prévues par l'article 173 du Code de procédure pénale.

Cas d'exemption des frais de procédure

Les procédures suivantes sont légalement exonérées de tous les frais d'instance:

toutes les procédures liées à 1) la défense et la promotion des droits des enfants (régis par la loi n°272/2004 sur la promotion et la défense des droits des enfants), 2) à la tutelle, 3) à la curatelle, 4) à l'assistance aux personnes atteintes de maladies mentales graves (troubles mentaux);

les procédures liées aux obligations légales et contractuelles d'entretien et toutes les procédures liées à l'adoption (régie par la loi n° 273/2004 sur l'adoption);

les autres réclamations prévues par différentes lois.

Quand la partie succombante doit-elle supporter les dépens de la partie gagnante?

En matière civile, les règles relatives à l'attribution ou à l'indemnisation des frais sont déterminées par les articles 274 à 276 du **Code de procédure civile**. En principe,

la partie qui succombe est tenue (sur demande) de régler les dépens;

le juge ne peut réduire les frais d'instance ni toute autre dépense réglée par la partie gagnante;

un défendeur qui accepte la réclamation du plaignant au cours de la première audience n'est pas tenu de régler les frais de justice à moins qu'il en ait été informé officiellement par huissier, lors de la procédure spécifique préalable au jugement, présentée précédemment.

En matière pénale, les règles relatives à l'attribution ou à l'indemnisation des frais sont régies par les articles 189 à 193 du **Code de procédure pénale**. En principe,

les dépenses nécessaires à l'exécution des actes de procédure, à l'administration des preuves, à la conservation des moyens matériels de preuve, à la rémunération des avocats ainsi qu'à tout autre frais en matière pénale sont couvertes par l'État ou réglées par les parties.

s'il est condamné, le défendeur doit supporter les frais judiciaires encourus par l'État, à l'exception des honoraires des interprètes nommés par la justice et sauf lorsqu'une aide juridictionnelle gratuite a été accordée;

en cas d'acquiescement ou d'arrêt du procès pénal en instance, les frais judiciaires de l'État sont réglés comme suit:

en cas d'acquiescement, par: a) la victime, dans la mesure où ces frais ont été causés par elle; b) la partie civile dont les requêtes au civil ont été déboutées dans leur totalité, dans la mesure où les frais ont été causés par cette partie; c) le défendeur, si, même acquitté, il est tenu de régler des dommages et intérêts.

en cas d'arrêt du procès pénal, par: a) le défendeur, si une requalification de la responsabilité pénale a été ordonnée ou si l'absence de peine est justifiée, b) les deux parties, en cas de conciliation; c) la victime, si la plainte est retirée ou est présentée tardivement au tribunal;

en cas d'amnistie, de prescription ou de retrait de la plainte, ainsi que dans les cas où l'absence de peine est justifiée, si le défendeur demande la poursuite du procès pénal, les frais judiciaires peuvent être supportés par la victime ou par le défendeur, en fonction d'autres dispositions juridiques connexes; dans tous les autres cas, l'État règle ses propres frais judiciaires.

Honoraires des experts

L'article 274 du Code de procédure civile dispose que la partie qui succombe est tenue, sur demande, de régler les frais de justice engagés par la partie gagnante, et notamment les honoraires qu'elle a versés aux experts judiciaires.

Documents connexes

[Rapport de la Roumanie relatif à l'étude sur la transparence des coûts](#)  (544 Kb) 

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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 Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case	Not applicable in this case
Case B	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		
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Case Study	Expert	Cost
	Is use compulsory?	
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			Yes, but are supported by the state	-

If at least one of the parties does not speak Romanian.	RON 23.15 per hour (approximately EUR 6)
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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		
	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, as only the court decision (issued post judgment) can be subject to enforcement, if the	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5),

		Not applicable in this case, as representation is not compulsory		losing party (the father) does not execute it willingly	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 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			NO

		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	
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 (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	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	-

			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	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	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	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty)

				to enforcement, if the losing party (the father) does not execute it willingly	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?
	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
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	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

Witness compensation	Pledge or security
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Case Study	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	Translation	Interpretation	Other costs specific to cross-border disputes?
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study	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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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

Case Study	Appeals	ADR

	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		Balliff			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 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)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests,	Eventual requests for insuring evidence (proofs such as preserved documents)	

	compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)		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

	Legal Aid		
Case study			
	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

	Reimbursement			
Case 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.	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

	Translation		Interpretation		Other costs specific to cross-border disputes?
Case study					
	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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