Article 17 - Information made available to the public

Law No 217/2003 on preventing and combating domestic violence, republished

Provisional protection order

Provisional protection orders are issued by police officers who believe there is an imminent risk that a person's life, physical integrity or liberty may be endangered by an act of domestic violence. In order to check referrals, establish the truth and find a solution, police officers have the right to take evidence.
The order contains details of the date, time and place of issue; the surname, first name, job title and police unit to which the police officer issuing the provisional protection order belongs; information clearly identifying the perpetrator and the victim; a description of the factual reasons for the provisional protection order and an indication of the evidence; the legal basis; the date and time at which the protection measures enter into force and cease; the right to challenge the order, the deadline for the exercise of that right and the court before which the appeal may be lodged.
The protection order is signed by the police officer who issues it.
The provisional protection order puts in place protective measures intended to diminish the imminent risk that has been established: temporary evacuation of the aggressor; re-establishing the victim in the common home; that the aggressor must maintain a certain minimum distance from the victim; that the aggressor must permanently wear an electronic surveillance tag; that the aggressor must surrender any weapons to the police.
The obligations and prohibitions imposed on the aggressor become effective immediately upon issue, without a summons or any deadline. The protection order is communicated to the perpetrator and the victim. The police unit to which the issuing officer belongs submits the order to the public prosecutor's office attached to the competent court in whose area of jurisdiction the order was issued. The prosecutor at the competent public prosecutor's office decides on the need to maintain the protection measures ordered by the police authority.
The order may be challenged before the competent court.

Protection order

A person whose life, physical or mental integrity or liberty is endangered by an act of violence may apply to the court to issue a protection order provisionally ordering: the temporary evacuation of the aggressor; re-establishment of the victim into the family home; that the aggressor's right of use be restricted to only a part of the dwelling; that the victim be accommodated/placed in a centre for assistance; that the aggressor must maintain a certain minimum distance from the victim; that the aggressor be prohibited from frequenting certain localities or designated areas; obligation for the aggressor to wear an electronic surveillance tag; that any contact with the victim be prohibited; that the aggressor must surrender any weapons to the police; the custody arrangements for and residence of children who are minors.
The duration of the measures will be determined by the judge, but may not exceed six months counting from the order's date of issuance. Applications fall within the competence of the court in whose area of jurisdiction the victim is domiciled or resident.
The application must be drawn up using the standard form (31 Kb) ro and is exempt from judicial stamp duty.
The protection order is enforceable. The ruling is enforced without a summons or deadline. Compliance with the order is also mandatory for the protected person.
On the day it is handed down, a copy of the operative part of the ruling is communicated to the units of the Romanian police in whose area of jurisdiction the dwelling of the victim and the aggressor is located. The order is enforced without delay by, or under the supervision of, the police.

Article 18 (a)(i) - the authorities which are competent to order protection measures and issue certificates in accordance with Article 5

Under Article 28 of Law No 217/2003 on preventing and combating domestic violence, republished, police officers who in the exercise of their duties ascertain an imminent risk of a person's life, physical integrity or liberty being threatened by an act of domestic violence can issue a provisional protection order to diminish that risk.
The authorities which are competent to issue protection orders are the district courts having jurisdiction where victims are domiciled or resident, in accordance with Article 40 of Law No 217/2003 on preventing and combating domestic violence, republished.
Under Article 3 of Article I/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended by Law No 191/2007, as amended, the courts decide on applications to issue certificates by issuing decisions in closed session, without summoning the parties.
A decision granting an application may not be appealed against. A decision rejecting an application may be appealed against only within five days after notification.
The certificate is issued to the protected person and a copy thereof is sent to the person posing a threat, who is informed that the protection measure thus certified is recognised and enforceable in all Member States of the European Union.

Article 18 (a)(ii) - the authorities before which a protection measure ordered in another Member State is to be invoked and/or which are competent to enforce such a measure

Under Article 32 and Article 46(2) of Law No 217/2003 on preventing and combating domestic violence, republished, a provisional protection order or a protection order is enforced without delay by or, where applicable, under police supervision.

Article 18 (a)(iii) - the authorities which are competent to effect the adjustment of protection measures in accordance with Article 11(1)

Under Article 8 of Article I/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended, by Law No 191/2007, as amended, in order to enforce a judgment passed in another European Union Member State imposing protection measures that are unknown, or different from those provided for, under Romanian law, the competent Romanian courts will, in accordance with Article 11 of Regulation (EU) No 606/2013, adjust the factual elements of the protection measures so as to make them enforceable in Romania in accordance with Romanian law, and order measures which have equivalent effects and pursue similar objectives and interests. A measure passed by a Romanian court may not result in effects going beyond those provided for in the law of the Member State of origin in the case of a measure laid down in a judgment passed by a court in the Member State of origin.

The adjustment is carried out ex officio or at the request of the party concerned, in the course of the process of deciding on applications for declaration of enforceability or refusal of recognition or enforcement of a judgment, or in the main proceedings.
The competent court is the district court.
Where the court finds that the adjustment is necessary, it orders a summoning of the parties. The presence of the public prosecutor is mandatory.
A judgment in which a court has adjusted a judgment passed in another Member State may be appealed against within ten days after notification. The judgment passed on appeal may not be appealed against.

Article 18 (a)(iv) - the courts to which the application for refusal of recognition and, where applicable, enforcement is to be submitted in accordance with Article 13

Under Article 1 of Article I/5 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved as amended by Law No 191/2007, as amended, applications for refusal of recognition and applications for refusal of enforcement in Romania of judgments containing protection measures passed in another Member State of the European Union fall within the remit of the district courts, in accordance with Regulation (EU) No 606/2013.

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