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## National case law

Romania

This page provides an overview of case law in Romania.

### Case law available online

Romanian case law is available on the website of the [Supreme Court \(High Court of Cassation and Justice\)](#).

### Presentation of judgments / Headers

Two types of decision are published on the website of the High Court of Cassation and Justice:

**1. Summaries of judgments**, and their headers. The template contains the following information:

keywords;

summary of legal areas;

alphabetical index;

legislation applied in the judgment (number and year of the act, articles);

abstract of the judgment (personal data are not made available: names and personal details of the parties are not displayed and the names of the judges are not mentioned).

**2. Anonymised judgments without headers** (different from summaries of judgments). The [search interface](#) allows searches using seven different criteria:

individual keywords;

expression;

section;

number of the judgment;

year of the judgment;

number of the case;

year of the case.

### Headers in the civil section

Below is an example of a header from the [Civil section](#):

Withdrawal of trademark rights. Calculation of the period of five years of non-use of the trademark. Objection regarding the premature character of this action.

Table of contents by area: Civil law. Intellectual property law. Trademarks.

Alphabetical index: Withdrawal of trademark rights.

Time limit for withdrawal.

Premature withdrawal.

Act No 84/1998: Article 45(1)(a).

### Headers in the criminal section

Below is a header from the [Criminal section](#):

Jurisdiction of the High Court of Cassation and Justice. Jurisdiction based on the person's status. Jurisdiction in the event of a change in the defendant's status.

Table of contents by area: Procedural criminal law. General part. Jurisdiction. Jurisdiction based on the case matter and the person's status

Alphabetical index: Procedural criminal law.

Jurisdiction of the High Court of Cassation and Justice.

Jurisdiction in the event of a change in the defendant's status.

Code of Criminal Procedure, Article 29(1) and Article 40.

### Headers on the Courts' Portal

Below is a header from the Romanian [Courts' Portal](#):

Title: Provisional detention. Legal termination of the defendant's provisional detention.

Case type: Judgment

Case number: 55

Case date: 1/7/2004

Related area: Criminal and civil procedure (appeals, jurisdiction, etc.)

Institution (specific court): Alba Iulia Court of Appeal - Criminal section

### Formats

Documents provided by the High Court of Cassation and Justice and other courts are available in html format.

### Courts concerned

The courts concerned include the High Court of Cassation and Justice and ordinary courts.

### Subsequent proceedings

	Supreme Courts	Other courts
Is there information available as to: appeals?	-	Yes

pending cases?	-	Yes
outcomes of appeals?	-	Indirectly Requires a search for the case specifying the type of trial stage as being 'appeal'.
the irrevocable character of the judgment?	Is there information available as to: the irrevocable character of judgments of the High Court of Cassation and Justice?	Yes
subsequent proceedings before: other national courts (Constitutional Court, etc.)? the Court of Justice of the European Union? the European Court of Human Rights?	-	Yes

In the case of ordinary courts, there is case information available on the [Courts' Portal](#), referring to cases (files): procedural stage (substantive, appeal, etc.), parties, hearings, lodged appeals and published summons (this is a newly-added functionality). A case can be accessed by using the general search engine on the Courts' Portal (this is a newly-added functionality). The published summaries of judgments may include information regarding the irrevocable character of the judgment and subsequent proceedings before other national courts (Constitutional Court).

#### Publication rules

##### High Court of Cassation and Justice

Given the significance and specific nature of the cases and the corresponding judgments, only a selection of the case law of the Romanian High Court of Cassation and Justice is published.

The publications of the High Court of Cassation and Justice are updated on a monthly basis and are available from 2002 onwards.

##### Other Romanian courts

In the case of other Romanian courts, only a selection of judgments is published, depending on the significance and unique nature of the cases concerned.

The selection takes place at each individual court.

The publications of other Romanian courts are updated on a monthly basis and are available from 2004 onwards.

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