

Romania

This page provides you with information on Romanian ordinary courts.

**Introduction to Romania's judicial system**

Romania's judicial system has the following structure:

**Courts of law and prosecutor's offices****Level 1**

District courts (176)

Prosecutor's offices

**Level 2**

Tribunals (42)

Special tribunals (3)

Tribunal for Children and Family Matters (1)

Prosecutor's offices

**Level 3**

Courts of appeal (15)

Prosecutor's offices

**Level 4**

High Court of Cassation and Justice

Prosecutor's Office

Romania's judicial system comprises the High Court of Cassation and Justice and the other courts of law.

**Courts****High Court of Cassation and Justice**

As the highest court in Romania, it is the only judicial institution with the power to ensure **uniform interpretation and application of the law by the other courts**.

The main procedure for achieving this is the **'review in the interest of law'**.

The High Court of Cassation and Justice has four sections, each having its own jurisdiction:

Civil Section I;

Civil Section II;

Criminal Section;

Administrative and Tax Litigation Section.

Other sections of the supreme court, which have their own jurisdictions, are **the four five-judge panels, the Joint Sections, the panel on reviews in the interest of law, and the panel on clarifying certain legal matters**.

**Civil Section I, Civil Section II, and the Administrative and Tax Litigation Section**, part of the High Court of Cassation and Justice, hear applications for review against judgments handed down by courts of appeal and other court decisions, as provided for by the law, and applications for review against non-final judgments or judicial acts of any nature which cannot be appealed against by any other means, and in the case of which the legal proceedings before a court of appeal have been interrupted. As a court of first instance, the Criminal Section hears cases and applications which are by law within the jurisdiction of the High Court of Cassation and Justice.

**The Criminal Section of the High Court of Cassation and Justice hears the following cases:**

A court of first instance:

offences committed by senators, deputies, or Members of the European Parliament;

offences committed by members of the Government;

offences committed by judges of the Constitutional Court;

offences committed by members of the Superior Council of Magistracy;

offences committed by judges of the High Court of Cassation and Justice, or by prosecutors of the Prosecutor's Office attached to the High Court of Cassation and Justice;

offences committed by marshals, admirals, generals and quaestors;

other cases which are by law within its jurisdiction.

As a **court of review**:

applications for review against judgments in criminal cases handed down, at first instance, by a court of appeal or by the Military Court of Appeal;

applications for review against judgments in criminal cases handed down, on appeal, by a court of appeal or by the Military Court of Appeal;

applications for review against judgments in criminal cases handed down, at first instance, by the Criminal Section of the High Court of Cassation and Justice, and other cases provided for by the law.

**The Nine Judges Panel**

Under Act No 202/2010 concerning certain measures for speeding up trial proceedings, the powers of the Nine Judges Panel were taken over by the Five Judges Panels.

Trials ongoing before the Nine Judges Panel will continue to be heard by this panel.

**The Five Judges Panels**

Under Article 24 of Act No 304/2004, republished, as amended, the Five Judges Panels hear applications for review and other applications in cases heard at first instance by the Criminal Section of the High Court of Cassation and Justice, and other cases which are by law within their jurisdiction. They act also as a disciplinary court.

Under Article 51(3) of Act No 317/2004, republished, the Five Judges Panels hear applications for review against judgments handed down by the Superior Council of Magistracy in disciplinary cases.

The sections of the High Court of Cassation and Justice shall meet as **Joint Sections** for the following:  
addressing referrals regarding changes to the case law of the High Court of Cassation and Justice;  
consulting the Constitutional Court to verify the constitutionality of laws before their promulgation.

#### **Courts of appeal**

In Romania, the **courts of appeal** are headed by a President, who may be assisted by one or two Vice-Presidents.

A court of appeal has specialised sections or panels for different categories of cases:

civil cases;

criminal cases;

cases involving children or family matters;

cases involving administrative or tax disputes;

cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, and other matters;

maritime and fluvial matters.

The 15 courts of appeal have legal personality, each court covering the jurisdiction of several tribunals (around 3).

#### **In civil matters, the courts of appeal hear the following cases:**

As **courts of first instance**, they hear applications relating to administrative and tax disputes, in accordance with the special legal provisions.

As **courts of appeal**, they hear appeals against judgments handed down by tribunals at first instance.

As **courts of review**, they hear cases specifically provided for by the law.

#### **In criminal matters, the courts of appeal hear the following cases.**

As courts of first instance:

offences referred to in Articles 155-173 of the Criminal Code (e.g. treason, espionage, conspiracy, subversion of state authority or of the national economy) and offences against Romania's national security referred to in special laws;

offences referred to in Article 253<sup>1</sup> (conflicts of interest), Articles 273-276 (certain criminal offences relating to railway transport safety) in the event of a railway accident, and Articles 356-361 (criminal offences against peace and humanity);

offences committed by judges of a district court or a tribunal, prosecutors of the prosecutors' offices attached to those courts, or by lawyers, notaries, judicial enforcement officers or auditors of the Court of Accounts;

offences committed by leaders of religious denominations organised in accordance with the law and other high-ranking religious figures, who have at least the rank of bishop or the equivalent;

offences committed by assistant magistrates of the High Court of Cassation and Justice, judges of a court of appeal or the Military Court of Appeal, or prosecutors of the prosecutor's offices attached to those courts;

offences committed by members of the Court of Accounts, the President of the Legislative Council, or the Ombudsman;

other offences placed within its jurisdiction by special laws.

As **courts of appeal**, they hear appeals against judgments handed down in criminal cases by tribunals at first instance.

As courts of review, they hear applications for review against criminal judgments handed down by district courts, at first instance, excluding those which are within the jurisdiction of tribunals, and other cases specifically referred to by law.

The courts of appeal also decide on **conflicts of jurisdiction** between tribunals or between district courts and tribunals within their area of jurisdiction, or between district courts within the jurisdiction of different tribunals in a court of appeal's area of jurisdiction.

The courts of appeal also decide on requests for the **extradition** or transfer abroad of convicted persons.

#### **Tribunals**

The **42 national tribunals** have legal personality, and are organised at county level. The area of jurisdiction of each tribunal covers all district courts in the county in which the tribunal is situated.

The tribunals have separate sections or panels specialised in:

civil cases;

criminal cases;

cases involving children or family matters;

cases involving administrative or tax disputes;

cases related to labour disputes and social insurance, companies, the Trade Register, insolvency, unfair competition, and other matters;

cases involving maritime or fluvial matters.

#### **In civil matters, the tribunals hear the following cases:**

**As courts of first instance, the tribunals hear all the applications which are not by law within the jurisdiction of other courts.**

As **courts of appeal**, they hear appeals against judgments handed down by district courts at first instance.

As **courts of review**, they hear cases specifically provided for by the law.

#### **In criminal matters, the tribunals hear the following cases:**

**As courts of first instance:**

offences against life or corporal integrity and health, offences against personal freedom, sexual offences, property offences, offences in or in connection with the workplace, offences that impede the course of justice, offences against the arrangements established for certain activities regulated by law, public health offences, and smuggling offences (where they involve weapons, ammunition or explosive or radioactive materials);

intent offences that result in death or suicide;

offences involving trafficking or illegal consumption of drugs;

offences involving money laundering or tax evasion;

fraudulent bankruptcy, if the offence relates to the banking system;

other offences which are by law within their jurisdiction.

As **courts of review**, they hear applications for review against judgments handed down by district courts in relation to offences where legal proceedings are initiated on prior complaint by an injured party, and applications for review against criminal judgments handed down by district courts in connection with preventive measures, provisional release or precautionary measures, criminal judgments handed down in connection with the enforcement of criminal judgments or rehabilitation, and other cases specifically provided for by the law.

The tribunals decide on conflicts of jurisdiction between district courts within its area of jurisdiction, and on other cases specifically provided for by the law.

### **District courts**

The district courts do not have legal personality, and are established within national counties and in Bucharest.

#### **In civil matters, the district courts hear mainly the following cases:**

applications which are, pursuant to the Civil Code, within the jurisdiction of the custody and family court, excluding the cases where the law provides expressly otherwise;

applications related to civil status records, in accordance with the law;

applications related to the administration of multi-storey buildings, apartments or spaces owned exclusively by different persons, or to legal relationships established by homeowners' associations with other natural or legal persons, as applicable;

applications for eviction;

applications referring to shared walls or ditches, the distance between buildings or plantations, the right of passage, and any other encumbrances or limitations affecting ownership rights as provided for by the law, agreed by the parties or imposed by a court;

applications related to changes in boundaries or to marking boundaries;

applications for the protection of possessions;

applications related to obligations to carry out or not to carry out actions which cannot be measured in terms of money, regardless of whether or not they are based on a contract, excluding those which are by law within the jurisdiction of other courts;

applications for judicial partition, regardless of the value involved;

any other applications which can be expressed in terms of money, up to and including RON 200 000, regardless of whether or not the parties have the status of professionals.

The district courts also hear appeals against decisions of the local public administration authorities with local jurisdiction and other bodies with such jurisdiction, in the cases provided for by the law.

#### **In criminal matters, the district courts hear mainly the following cases:**

In general, all types of offence, excluding those which by law are to be heard at first instance by the tribunals, the courts of appeal or the High Court of Cassation and Justice.

More information on these courts can be found on [the Courts' Portal, maintained by the Romanian Ministry of Justice](#).

### **Legal databases**

The following legal databases are available online:

the High Court of Cassation and Justice publishes its case law on its own [website](#);

the courts publish summaries of their judgments on the Courts' Portal. For example, see the [summaries of judgments issued by the Bucharest Court of Appeal](#);

the legal database owned and maintained by the Romanian Legislative Council: [Courts' jurisdiction - Romania](#).

Last update: 03/02/2014

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.