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National specialised courts

Romania

This page provides you with information on Romania's specialised courts.

Specialised courts

Braşov Tribunal for Children and Family Matters (*Tribunalul pentru Minori şi Familie*)

The Braşov-based **Tribunal for Children and Family Matters** hears cases related to offences committed by children or against children. Before this specialised Tribunal was set up, such cases had been heard by the Braşov Tribunal.

Specialised tribunals

There are three specialised tribunals (the former commercial tribunals):

Cluj Specialised Tribunal (*Tribunalul Specializat Cluj*)

Mures Specialised Tribunal (*Tribunalul Specializat Mureş*)

Arges Specialised Tribunal (*Tribunalul Specializat Argeş*)

They hear cases involving professionals. Any person operating an undertaking is regarded as a professional.

Military courts

The jurisdiction of the military courts is laid down in the Code of Criminal Procedure. Each military court has the status of a military base.

The hierarchical organisation of the military courts is as follows:

four military tribunals (in Bucharest, Cluj-Napoca, Iaşi and Timişoara)

Bucharest Military Tribunal

Bucharest Military Court of Appeal

The military courts have military judges, clerks, archivists and other personnel.

Military tribunals

There are four military tribunals in Romania, in the following cities:

Bucharest;

Cluj-Napoca;

Iaşi;

Timişoara

As the highest first-instance court, the military tribunal can hear cases referring to all the offences committed by military personnel up to and including the rank of colonel, and other cases specially provided for by the law.

Bucharest Military Court of Appeal

Bucharest Military Court of Appeal settles:

As a **court of first instance**, it hears cases referring to offences against national security: treason, treason by transmission of State secret intelligence, treason by abetting the enemy, actions against the Constitutional order, hostile actions against the State, espionage, the attack that endangers national security, the attack against the community, acts of diversion, misrepresentation, war propaganda, compromise of State interests, disclosure which endangers national security, offences against persons under international protection, failure to denounce offences against national security, which are committed by military staff, offences concerning the national security of Romania, as provided for by special laws, which are committed by military staff, offences committed by the judges of military tribunals and by the military prosecutors from the military prosecutor's offices attached to these courts, offences committed by generals, marshals and admirals, and applications for displacement, as provided for by the law;

as a **court of review**, it hears applications for review against judgments handed down by military tribunals at first instance level;

decides on **conflicts of jurisdiction** between military tribunals within its area of jurisdiction and appeals lodged against the judgments handed down by these tribunals as provided for by the law.

Administrative courts

There are no administrative courts in Romania. A court's special administrative section has the authority to hear administrative cases.

Other special courts

The Constitutional Court

The Constitutional Court has nine judges, appointed for a term of office of nine years which cannot be extended or renewed. three judges are appointed by the **Chamber of Deputies**, three by the **Senate** and three by the **President of Romania**. The judges of the Constitutional Court elect the President of the Constitutional Court by secret vote, for a term of office of three years. The Constitutional Court replaces one-third of its judges every three years.

Pursuant to Article 146 of the **Romanian Constitution**, the Constitutional Court has the following powers:

it decides on the constitutionality of **laws** prior to their promulgation, on referral by the President of Romania; by the President of either of the two Parliament's Chambers; by the Government; by the High Court of Cassation and Justice; by the Ombudsman, by at least 50 Deputies or 25 Senators, and ex officio, for initiatives proposing revision of the Constitution;

it decides on the constitutionality of **treaties** or other international agreements, on referral by either the President of either of the Parliament's Chambers, or at least 50 Deputies or 25 Senators;

it decides on the constitutionality of **Parliament's** regulations, on referral by the President of either of the Parliament's Chambers, a parliamentary group, or at least 50 Deputies or 25 Senators;

it rules on objections as to the unconstitutionality of **laws and orders** which are raised before courts of law or courts of commercial arbitration; such an objection may also be raised directly by the Ombudsman;

it decides on **legal** disputes of a constitutional nature between public authorities, at the request of the President of Romania, the President of either of the Parliament's Chambers, the Prime Minister, or the President of the Superior Council of Magistracy;

it monitors compliance with the **procedure** for the election of the President of Romania, and confirms the election results;

it issues **advisory opinions** on proposals to suspend the President of Romania from office;
it confirms the presence of **circumstances** justifying the presence of an acting head of state, and it reports its findings to Parliament and the Government;
it monitors **compliance** with the procedure for the organising and holding of a referendum, and confirms the results thereof;
it verifies that conditions are met for citizens to exercise **legislative initiative**;
it rules on objections as to the unconstitutionality of a **political party**;
it discharges any other **duties** provided for by the Court's organic law (Law No 47/1992, republished)

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](#);

[Romania's legal database](#), owned and maintained by the **Legislative Council of Romania** contains the full text of Romanian legislative acts (Laws, Government Orders, Government Decisions etc.);

Is access to the legal database free of charge?

Yes, access to the database is free of charge.

Relevant links

[Courts' jurisdiction – Romania](#)

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