

Romania

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

Specialised courts

Braşov Tribunal for Children and Family Matters

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

Specialised tribunals

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

Cluj Specialised Tribunal;

Mureş Specialised Tribunal;

Argeş Specialised Tribunal.

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 courts, the military tribunals can hear cases referring to offences against Romania's defence capacity (e.g. offences against military order and discipline, battlefield offences, etc.), or other duty-related offences committed by military personnel up to and including the rank of colonel.

Bucharest Regional Military Tribunal

The regional military tribunal hears the following cases:

As a **court of first instance**, it hears cases referring to the following duty-related offences, committed by officers up to and including the rank of colonel:

certain offences against life, corporal integrity or health;

certain offences against personal freedom;

certain sexual offences;

certain property offences;

certain offences in or in connection with the workplace;

certain offences that impede the course of justice;

intent offences that result in the victim's death or suicide;

offences involving trafficking or illegal consumption of drugs;

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

As a **court of review**, it hears applications for review against judgments handed down by military tribunals in connection with offences where legal proceedings are initiated on prior complaint by an injured party, and applications for review against criminal judgments handed down by a military tribunal in connection with preventive measures, provisional release or precautionary measures, against criminal judgments handed down by a military tribunal in connection with the enforcement of criminal judgments or rehabilitation, and other cases specifically provided for by the law.

The Regional Military Tribunal also decides on **conflicts of jurisdiction** between **military tribunals** within its area of jurisdiction.

Bucharest Military Court of Appeal

The **Military Court of Appeal** hears the following cases:

as a **court of first instance**:

offences against state security or against peace and humanity, committed by military personnel;

offences committed by judges of a military tribunal or a regional military tribunal, or by military prosecutors of the military prosecutors' offices attached to those courts;

as a **court of appeal**, it hears appeals against judgments handed down by a regional military tribunal at first instance.

as a **court of review**, it hears applications for review against criminal judgments handed down by a military tribunal at first instance, excluding cases within the jurisdiction of a regional military tribunal, and other cases specifically provided for by the law;

it decides on **conflicts of jurisdiction** between the regional military tribunals or between military tribunals and regional military tribunals or between military tribunals within the areas of jurisdiction of different regional military tribunals, and on other cases specifically 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

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 either the President of Romania, the President of either of the Parliament's Chambers, the Government, the High Court of Cassation and Justice, the Ombudsman, or at least 50 Deputies or 25 Senators, or ex officio in the case of 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 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 database free of charge?

Yes, access to the database is free of charge.

Related links

[Courts' jurisdiction - Romania](#)

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