

1 Is it possible to initiate court proceedings via the internet?

Pursuant to Article 199(1) of the Code of Civil Procedure, an application can be lodged personally or through a representative, by post, courier, fax or else be scanned and sent by e-mail or as an electronic document.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Applications can be lodged by being scanned and sent by e-mail or as electronic documents in civil cases. There are no procedures which are solely available via the internet.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

This facility is available at all times.

Pursuant to Article 199(1) of the Code of Civil Procedure, an application lodged personally or through a representative, by post, courier, fax or else scanned and sent by e-mail or as an electronic document, is registered and attributed a specific date by applying the entry stamp. After registration, the application and accompanying documents together with, where appropriate, evidence of how they have been forwarded to the court, shall be handed over to the President of the Court or the person designated by him, who will take immediate steps to randomly establish the judicial panel, pursuant to law.

4 Should the details of the claim be provided in any particular format?

The Code of Civil Procedure does not foresee the use of any standardised forms for legal claims. The common law rules on civil procedure lay down the content of some of the civil law claims (e.g. application, defence, counterclaim).

5 How is transmission and storage of data secured?

Secure data transmission and storage are performed with the help of e-mail system native IT tools, such as firewalls, certificates, anti-viruses, role-based access controls, etc., accompanied by the application of good practice in the field.

6 Is it necessary to use any kind of electronic signature and/or time record?

Pursuant to Article 148(2) and (5) of the Code of Civil Procedure, applications sent to the courts can also be lodged as electronic documents, provided that the legal conditions are met. **The application should also include a signature. The signature can be applied on a document scanned and sent by e-mail. The signature can be electronic where the application is an electronic document sent by e-mail.**

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Yes, judicial fees are paid in accordance with Government Emergency Order No 80/2013 regarding court stamp fees, but their amount does not differ. Judicial stamp duties are paid by the person owing the tax either in cash, by bank transfer or on-line, into a separate "Judicial stamp duty and other stamp duties" local budget income account opened in the name of the territorial administrative unit in which the natural person has his or her domicile or residence or, where appropriate, the legal entity has its registered office. If the person owing the judicial stamp duty has neither his or her domicile, nor residence nor, as the case may be, registered office in Romania, the stamp duty is paid to the local budget of the territorial administrative unit in which the court before which the action or application being brought is located.

8 Is it possible to withdraw a claim that has been initiated via the internet?

Yes, under the same conditions as the claimant may withdraw from the court action. Pursuant to Article 406 of the Code of Civil Procedure, the claimant may at any time abandon the court action either orally during a court hearing or else by means of a written petition.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

It is not mandatory for the defendant to use the internet.

Pursuant to Article 149(4) and Article 154(6) of the Code of Civil Procedure, the communication of subpoenas and all procedural documents shall be made ex officio by the court's officers, or by any other of its employees, as well as by agents or employees of other courts in districts where the person to whom the deed is being communicated is located. The communicating of subpoenas and other procedural documents **can be carried out** by the clerk of the court **also by** telefax, **e-mail** or by other means which ensure that the text of the document is sent, and its receipt confirmed, **provided the party gave the court the appropriate details to this end**. For confirmation, the court shall, together with the procedural document, send a form containing: the name of the court, the date of the communication, the name of the clerk responsible for the communication and information on the documents communicated. The form will be completed by the recipient with the date of receipt, the name clearly shown and the signature of the person responsible for receiving the correspondence, and will be sent to the court by telefax, e-mail or other means. Where the application has been sent, pursuant to law, by fax or e-mail, the clerk of the court is obliged to prepare copies of the application ex officio. The cost of this is to be met by the party having the obligation to provide the copies.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The defence shall be notified by the same methods as for serving a procedural document. See the answer to question 9.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

In accordance with Article 208 of the Code of Civil Procedure, the sanctioning of **a failure to submit a defence** in the period laid down by law is the same regardless of the manner in which it is submitted. A failure to submit a defence leads to the defendant losing his right to provide further evidence or put forward objections other than those related to public policy, unless the law provides otherwise.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

See the answer to question 9.

13 Can judicial documents, and particularly judgments, be served via the internet?

See the answer to question 9.

14 Can judicial decisions be given electronically?

See the answer to question 9.

15 Can an appeal be made and its decision served via the internet?

See the answer to questions 1 and 9

16 Is it possible to initiate enforcement proceedings via the internet?

Judicial documents issued in enforcement proceedings are subject to the same generally applicable provisions as the communication of procedural documents. See the answer to question 1.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Not applicable.

However, the courts' web pages (<http://portal.just.ro/SitePages/acasa.aspx>) or Info Desks located in some courts do provide access to a summary of rulings, based on the case number, case matter and the names of the parties. It is also being planned in the future for court files to be consulted from home, against the payment of a fee.

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