

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

In accordance with Article 199(1) of the Code of Civil Procedure, an application may be lodged in person or by proxy, by post, courier, fax or scanned, and sent by email or electronically.

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

Applications may be submitted scanned and sent by email or lodged electronically in civil cases. There are no procedures available exclusively 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.

In accordance with Article 199 of the Code of Civil Procedure, the application to bring an action (*cererea de chemare în judecată*) lodged in person or by proxy, by post, courier, fax or scanned and sent by email or as an electronic document is registered and stamped with the date of receipt. After registration, the application and accompanying documents, together with, where appropriate, evidence of how they have been forwarded to the court, are handed over to the President of the court or the person designated by the latter, who will take immediate steps to randomly establish a judicial panel, pursuant to the law.

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

The Code of Civil Procedure does not provide for the use of standard forms for legal claims. The ordinary civil procedural rules lay down the content of some of the claims submitted to civil justice (e.g. the application to bring an action, the defence, the counterclaim).

### 5 How is transmission and storage of data secured?

Securing data transmission and storage is done by using IT tools native to the email system, such as firewalls, certificates, antivirus, role-based access control, etc., plus by applying best practices in the sector.

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

In accordance with Article 148(2) and (5) of the Code of Civil Procedure, applications to the courts may also be submitted electronically, provided that the conditions laid down by law are met. The application must also include the applicant's signature. The signature may be affixed to a scanned document sent by email. The signature may be electronic if the application is an electronic document sent by email.

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

Yes, court fees are paid in accordance with Government Emergency Order No 80/2013 on court stamp fees, but their amount does not differ. Court stamp fees are payable by the debtor in cash, by bank credit transfer or online to a separate local budget revenue account, 'Court stamp fees and other stamp fees', of the administrative division where the natural person has their domicile or residence or, where applicable, where the legal person has their registered office. If the debtor does not have their domicile, residence or registered office, as applicable, in Romania, the court stamp fee is payable to the local budget account of the administrative division of the court where the action is brought or the application is filed.

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

Yes, under the same conditions under which the applicant may abandon the court action. In accordance with Article 406 of the Code of Civil Procedure, the applicant may at any time abandon the action, either orally at a court hearing or by written application.

### 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.

In accordance with Articles 149(4) and 154(6) and (6)(1) of the Code of Civil Procedure, writs of summons and all procedural documents are delivered *ex officio* by procedural agents of the court concerned or any other of its employees, as well as by agents or employees of other courts in whose jurisdiction the addressee of the document to be served resides. Summonses and other procedural documents may be served by the court clerk and by fax, e-mail or other means that ensure the transmission of the document's content and the acknowledgement of receipt thereof, where the party concerned indicated to the court his/her contact details for this purpose. Service of procedural documents will be accompanied by the court's extended electronic signature, which will replace the court stamp and the signature of the clerk of the hearing as the mandatory references on the summons. Each court will have a single extended electronic signature for summonses and procedural documents. These shall be deemed to have been served when a message is received from the system used that they have arrived at the addressee according to the information he or she has provided.

Service of court decisions will be done by email *ex officio*, providing the party has given the relevant data to the court for this purpose either directly or at the express request of the court during proceedings. The communication will be accompanied by the court's extended electronic signature, which will replace the court stamp and the signature of the clerk of the hearing. Court judgments shall be deemed to have been served when a message is received from the system used that they have arrived at the addressee according to the information he or she has provided.

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

The defence shall be notified in the same way as a procedural document is served. 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 penalty of **failure to submit a defence** within the time limit laid down by law is the same irrespective of the manner in which it is lodged. Where no defence has been lodged, the defendant will forfeit his or her right to submit evidence and pleas, with the exception of public order pleas, unless otherwise provided by law.

### 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 answers 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 common law rules as apply to the service 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, cases can be accessed on the Courts' Portal (<https://portal.just.ro/SitePages/acasa.aspx>) or at the Info Desks on court premises, in summary, classified according to file number, the subject matter of the case and the names of the parties. It is envisaged that in the future the public will be able to pay to consult court files from their own home.

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