Costs

Rumunjska

Information on judicial costs in Romania is available on this page.

Family law - Divorce
Family law – custody of the children
Family law – alimony
Commercial law – contract
Commercial law – responsibility

Regulative framework governing fees of legal professions

Lawyers

Generalities

Lawyers' **fees are variable** and determined according to the case's level of difficulty, size and duration. **The level of fees** may be agreed upon freely between the lawyer and his client, yet within the limits of the law and the Statute of the profession

The level of fees payable can be based on:

An hourly rate charged in relation to hours worked;

A fixed sum;

An amount dependent on a successful outcome: in addition to a fixed sum, the lawyer may request a additional, fixed or variable sum paid upon success (It is strictly forbidden however to base the lawyer's fee exclusively on the judicial outcome).

Both hourly and fixed fees, regardless of the result obtained.

It is almost impossible to provide an estimate of the fees because this information can only be obtained after presenting the case to a lawyer, who will then assess the fees to be paid taking into account all the case necessary related aspects, and mainly the workload, the value of the litigation and also the nature of the litigant.

Bailiffs (Judicial executors)

Generalities

The level of the fee depends on the activity involved in carrying out an enforcement operation pursuant to a court judgment or enforcement order in accordance with the law. The list of fees has been established by the **Ministry of Justice**, in cooperation with the National Union of Judicial Executors. The judicial executor is paid by the party which has requested the execution of a certain procedure. In general, judicial executors are paid for each individual enforcement act.

In the case of execution of claims referring to monetary amounts, the maximum fees are as follows:

For claims of **up to RON 50 000 inclusive**	The maximum fee is 10% of the value of the claim (for example, if the value of the claim is RON 40 000, the fee can be no more than RON 400, or EUR 100).
For claims of **between RON 50 000 and RON 80 000 inclusive**	The maximum fee is a fixed amount of RON 5 000 plus 3% of the amount by which the sum exceeds RON 50 000.
For claims of **between RON 80 000 and RON 100 000 inclusive**	The maximum fee is the amount of RON 5 900 plus 2% of the amount by which the sum exceeds RON 80 000.
For claims **exceeding RON 100 000**	The maximum fee is a fixed amount of RON 6 300 plus 1% of the amount by which the sum exceeds RON 100 000.

Detailed information regarding minimum and maximum fees according to type of enforcement act

Fees charged prior to judgment (before filing the claim)

Notification and communication of procedural documents	Between RON 20 (EUR 5) and RON 400 (EUR 100).
Ascertaining a factual situation and making an inventory of goods (Article 239 of the Civil Procedure Code)	Between RON 100 (EUR 25), and RON 2,200 (EUR 550) for a natural person debtor or RON 5,200 (EUR 1300) for a legal person debtor.
Real offer minute	Between RON 50 (EUR 12.5) and RON 350 (EUR 87.5).
Confiscations	10% of the value in all cases.
Insuring sequester	Between RON 100 (EUR 25), and RON 1,200 (EUR 300) for a natural person debtor or RON 2,200 (EUR 550) for a legal person debtor.
Legal consultation related to the constitution of execution documents	Between RON 20 (EUR 5) and 200 (EUR 50).

Fees charged during proceedings

Garnishment	RON 60 (EUR 15) is the minimum fee for a claim of up to RON 1 000 (EUR 250) RON 60 plus 2% of the amount by which the sum exceeds RON 1 000, in the case of claims exceeding RON 1 000	For sums of up to RON 50,000 (EUR 12,500) the fee may be up to 10% of the value of the claim; For sums between RON 50,001 and RON 80,000 (EUR 20,000) the fee is 3% of the value of the claim; For sums between RON 80,001 and RON 100,000 (EUR 25,000) the fee is 2% of the value of the claim; and For sums exceeding RON 100,000 the fee is 1% of the value of the claim.
	A minimum fee of RON 150 (EUR 37.5)	A maximum of RON 400 (EUR 100).

Protest for nonpayment of drafts, promissory notes or cheques		
Judicial sequester	A minimum fee of RON 100 (EUR 25)	A maximum of RON 1,200 (EUR 300) for a natural person debtor or RON 2,200 (EUR 550) for a legal person debtor.

Fees charged following the proceedings (after the court has handed down its judgment)

Granting custody of a minor or establishing the domicile of a minor	Between RON 50 (approximately EUR 12.5) and RON 1,000 (EUR 250).
Contact with a child/Visiting the child (minor)	Between RON 50 (approximately EUR 12.5) and RON 500 (EUR 125).

In the case of debts recovery

Recovering debts/claims by prosecution /execution of **movable** property	**Minimum fees** RON 60 (EUR 15) for claims of up to RON 1 000 (EUR 250) RON 60 plus 2% of the amount by which the sum exceeds RON 1 000, in the case of claims exceeding RON 1 000	**Maximum fees** Up to 10% for sums of up to RON 50,000 (EUR 12,500); 3% for sums between RON 50,001 and RON 80,000 (EUR 20,000); 2% for sums between RON 80,001 and RON 100,000 (EUR 25,000); and 1% for sums exceeding RON 100,000.
Recovering debts/claims by prosecution /execution of **immovable** property	**Minimum fees** RON 150 (EUR 37.5) for claims of up to RON 1 000 (EUR 250) RON 150 (EUR 37.5) plus 2% of the amount by which the sum exceeds RON 1 000, in the case of claims exceeding RON 1 000	**Maximum fees** Up to 10% for sums not exceeding RON 50,000 (EUR 12,500); 3% for sums between RON 50,001 and RON 80,000 (EUR 20,000); 2% for sums between RON 80,001 and RON 100,000 (EUR 25,000); and 1% for sums exceeding RON 100,000.

Judicial technical experts

Fees charged by judicial technical experts are variable. The fee for a judicial technical assessment is established by the body which has ordered the assessment, taking into account the complexity of the assessment, the volume of work involved and the professional or scientific grade of the judicial technical expert.

the judicial technical assessment is carried out at the order of the courts, the criminal prosecution bodies or other bodies with tasks relating to establishing the facts or circumstances of a case, by appointing judicial technical experts authorised by the Ministry of Justice;

the interested party has the right to request that the assessment be carried out by the appointed judicial technical expert together with a judicial technical expert or a specialist, as an adviser to that party, nominated by and paid for by that party, and agreed by the judicial body that has ordered the assessment. The fee of the nominated judicial technical expert is established by the party and the expert, by common agreement on the basis of the contractual relations between them, and is paid by the party that has nominated that expert.

Fixed costs

Fixed costs for litigants in civil proceedings

Fixed Cost of bringing an action to the courts: court fees and the stamp duty

Claims brought before the courts which are subject to court fees must receive the judicial stamp.

Court fees

Court fees can vary between around EUR 0.5 to over EUR 1,500.

For **financially quantifiable claims** (e.g. applicable in alimony cases, commercial cases) the court fees vary according to the value of the claim:

Value of the claim	Amount of the court fee
Up to RON 39	RON 2
RON 39.01 - RON 388	RON 2 plus 10% of the amount by which the value of the claim exceeds RON 39
RON 388.01 - RON 3,879	RON 37 plus 8% of the amount by which the value of the claim exceeds RON 388
RON 3,879.01 - RON 19,395.00	RON 316 plus 6% of the amount by which the value of the claim exceeds RON 3,879
RON 19,395.01 - RON 38,790.00	RON 1,247 plus 4% of the amount by which the value of the claim exceeds RON 19,395
RON 38,790,01 - RON 193,948.00	RON 2,023 plus 2% of the amount by which the value of the claim exceeds RON 38,790
Superior to RON 193,948.00	RON 5,126 plus 1% of the amount by which the value of the claim exceeds RON 193,948

For claims related to **family law**, court fees are:

For divorce caused by deterioration of family relations or divorce commonly agreed by family partners (Romanian Family Code Article 38 paragraphs 1 and 2)	RON 39 (EUR 10)
For divorce caused by the impossibility of a family partner being able to carry out his or her family-related obligations due to severe illness (Romanian Family Code Article 38 paragraph 3) and divorce caused by the low income of a family partner (lower than minimum gross national salary) or lack of income	RON 8 (EUR 2)
For custody of the children for the establishment of the minor child's domicile for the recognition of children in order to use the parent's name	RON 6 (EUR 2.5)

Stamp duty (approx. EUR 1) - varies between RON 1.5 and RON 5

Court decisions - Cost of decision (approx. EUR 1)

Judicial decisions, subpoenas, and notifications are communicated to parties, witnesses, experts or any other persons or institutions involved in the litigation for **free**.

The consultation or copying of documents from the court file and of certificates from the court clerk's office are subject to payment (maximum RON 4).

Cost of obtaining an authenticated decision (less than EUR 1)

Requests to the courts to deliver copies of judicial decisions stated as final and irrevocable	Stamped with a court fee in the amount of RON 2

Other proceedings: fixed costs

Fees payable to translators or interpreters

1. Translators or interpreters' fees

They are determined by the court in the ruling which appoints the interpreter or translator. The minimum tariff of RON 20 is increased:

By 50% for translations from or into an oriental language (Japanese, Chinese) or a rarely used language; or for urgent translations (within 24-48 hours);

By 100% for simultaneous interpretation; or for services during weekends, during legal holidays or non-working days, or between 10pm to 6am.

The precise tariff levels are:

For authorised interpreters	RON 23.15 (approx. EUR 6) per hour or, if applicable, for less than an hour (hour fractions)
For translations	RON 33.56 (approx. EUR 8) per page

VAT is added to these amounts where legally required.

2. Bailiffs' (Judicial Executors') fees

Please refer to the chapter on Bailiffs' fees above.

Appeals

The costs of a trial at first instance are similar in nature to those payable for an appeal procedure but amount to 50% of those incurred at trial.

Stage of the civil proceeding where fixed costs must be paid

1. Court fees

They are **payable in advance**, before the receipt, processing or issue of the relevant documentation or conduct of the requested service. In practice, the applicant pays the court fee he or she estimates to be correct upon submission of the claim. At the first hearing, the court determines the legal court fees to be paid and duly requests the party to pay any shortfall.

2. Judicial Executors' fees

The execution-related expenses must be paid in advance by the party that has requested it. The advance payment of the judicial executors' fees however cannot be a condition for the execution of court decisions.

3. Interpretation fees

The party which has requested interpretation services must pay the court-fixed fee, the official travel expenses or the interpreter's fee within 5 days of the fixing of the fee.

4. Experts' fees

The amount established as provisional fee and the advance payment for travelling costs, where applicable, are to be paid within five days after the appointment of the judicial technical expert, by the party that has requested the assessment, in the special account opened specifically for this purpose by the local office for judicial and accounting technical assessments. The court may also decide that those expenses be borne by both parties.

The fee for a judicial technical assessment is established by the body which has ordered the assessment, taking into account the complexity of the assessment, the volume of work involved and the professional or scientific grade of the expert or specialist.

Fixed costs in criminal proceedings

Fixed costs for litigants in criminal proceedings

There are no fixed costs for litigants pertaining to criminal proceedings.

Fixed costs in constitutional proceedings

Fixed costs for litigants in constitutional proceedings

There are no fixed costs pertaining to constitutional proceedings.

Prior information to be provided by legal representatives

Rights and obligations of the parties

In Romania, legal representatives **do not have a direct obligation**to provide parties with prior information on their rights and obligations, their prospects of success and the costs involved in the proceedings. However, under the Statute of the legal profession the lawyer has the **duty** to advise his or her client in a prompt, conscientious, correct and diligent manner.

Costs sources

Where can I find information on cost sources in Romania?

Information explaining the various cost sources is not easily available as it is not published on public institutions' websites, nor mentioned in leaflets.

Information can be obtained directly from people working in the field or from the following laws relating to judicial costs.

Court fees and stamp duty are regulated by Law no. 146/1997 on court fees and Government Ordinance no. 32/1995 on stamp duty.

Lawyers' fees are regulated by Act No 188/2000 on judicial executors and Order No 2550/C of 14 November 2006 approving minimum and maximum fees for services provided by judicial executors.

Judicial executor/Bailiff fees are fixed by Law no. 188/2000 on judicial executors/bailiffs as well as by Order no. 2550/C of 14 November 2006 on the approval of minimum and maximum fees for judicial executors' services.

Experts' fees are regulated by the Civil Procedure Code and by Government Ordinance no. 2/2000 on the organisation of the activity of judicial or extra-judicial technical expertise.

Translation and interpretation fees are regulated by the Civil Procedure Code, by Law no. 178/1997 and by Order no. 772 of 5 March 2009 on the establishment of fees for authorised interpreters and translators.

In what languages can I obtain information on cost sources in Romania?

Laws regulating costs are **only available in Romanian**.

Where can I find information on mediation?

Mediation is regulated by Law no. 192/2006 on mediation and the organisation of the profession of mediator. This law provides that the mediator is entitled to payment of a **fee agreed with the parties**, as well as to the reimbursement of expenses incurred in connection with the mediation.

Where can I find additional information on costs?

Where can I find information on the average length of time that different procedures take?

Statistical information on the average duration of cases may be found in the yearly report on Romanian judicial activity, available in Romanian from the Superior Council of Magistracy's public websites (see Chapter 3.4 entitled "Quality indicators of judicial activity, pages 155-162).

Value Added Tax

No VAT is applicable to court fees, nor to the stamp duty and neither to the lawyers' fees included in the legal assistance contract.

For translation of documents, VAT is added to the tariff where legally required.

Legal aid

Applicable income threshold in the area of civil justice

Average net monthly income per family member	**Conditions for granting**
Less than RON 500 (approx. EUR 125)	Level of income should be under the threshold for at least 2 months before the action is brought before the court, in which case the case's costs are **entirely met by the state**.
less than RON 800 (approx. EUR 200)	Level of income should be under the threshold for at least 2 months before the action is brought before the court, in which case **50% of costs are met by the state.**

Legal aid is granted also:

When the fixed or overall estimated costs of the trial might restrict his or her constitutional **right to effective access to justice**; or

When his or her right to access to justice might be restricted due to **differences in costs of living** between the Member State of residence and Romania.

Regardless of the grantee's income, when a special law provides the right to legal aid or free legal aid as a **protective measure for the grantee** (if the grantee is a minor, or disabled, or in another special situation).

Applicable income threshold in the area of criminal justice for defendants

The threshold concept is only applicable in civil matters. In criminal matters, the principal legal provisions regulating this field are contained in Article 171 of the Criminal Procedure Code. Legal aid is granted to **the defendant** when:

they are a minor;

they have been interned in a re-education centre or an educational medical institution;

they have already been arrested or held in custody in the context of other criminal case(s);

they have been medically interned or are receiving compulsory medical treatment;

the criminal investigation authority or the court considers that the defendant is not capable of conducting his or her own defence;

the punishment provided by law for the alleged crime is life detention or detention in prison for at least 5 years.

Applicable income threshold in the area of criminal justice for victims

The threshold concept does not apply to victims in the area of criminal justice. Relevant legal provisions regulating this field are contained in Article 173 of the Criminal Procedure Code.

Cost-free court proceedings

The following claims are legally exempt of any court costs:

All claims relating to (1) the protection and promotion of children's rights (regulated by law no. 272/2004 regarding the promotion and protection of children's rights), (2) guardianship, (3) trusteeship, (4) assistance given to seriously mentally ill (disordered) persons;

Claims relating to legal and contractual maintenance obligations and all claims relating to adoption (regulated by Law no. 273/2004 on adoption);

Other claims as provided by various laws.

When does the losing party have to pay the winning party's costs?

In civil matters the rules pertaining to the award of costs or the compensation of costs are regulated by articles 274-276 of the **Civil Procedure Code**. In principle,

The losing party is obliged (upon request) to pay the costs of the lawsuit;

The judge cannot reduce the court fee or any other expenses paid by the winning party;

In principle, a defendant who has admitted the plaintiff's claim at the first hearing need not pay the judicial expenses, unless he or she was officially notified by the bailiff through the specialised prior- to-judgment procedure, previously presented above;

In criminal matters, the rules pertaining to the award of costs/compensation of costs are regulated by articles 189-193 of the **Criminal Procedure Code**. In principle,

Expenses necessary for the performance of procedural acts, the administration of evidence, the maintenance of material means of evidence, lawyers' remuneration, as well as any other expenses related to criminal trials are covered by the sums forwarded by the State or paid by the parties.

In case of conviction, the defendant must cover the judicial expenses incurred by the State, with the exception of expenses for interpreters appointed by the judicial bodies, and in cases in which free legal aid has been granted.

In case of acquittal or cessation of the criminal trial in court, the judicial expenses of the State are paid for as follows:

In case of acquittal, by: (a) the victim, to the extent to which they were caused by him/her; (b) the civil party whose civil claims were totally rejected, to the extent to which the expenses were caused by this party; (c) the defendant, when, even if acquitted, he/she was still obliged to pay damages.

In case of cessation of the criminal trial, by (a) the defendant, if the replacement of criminal responsibility has been ordered or there is reason for non-punishment; (b) both parties, in case of reconciliation;(c) the victim, in case the complaint is withdrawn or was tardily submitted to court.

In case of amnesty, prescription or withdrawal of the complaint, as well as in the case of existence of a cause for non-punishment, if the defendant demands the continuation of the criminal trial, the judicial expenses may be covered by the victim or the defendant, depending on other connected law provisions.

In all other cases, the State pays for its own judicial expenses.

Experts' fees

Article 274 of the Code of Civil Procedure provides that the losing party shall be obliged, upon request, to pay the legal expenses, including the fees of the judicial technical experts paid for by the winning party.

Related Attachments

Romania's report of the Study on Transparency of costs PDF (544 Kb) en

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