Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation

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Not applicable

Article 74 - Description of national rules and procedures concerning enforcement

Dėmesio! Šiame puslapyje originalo kalba (ro) neseniai atlikta pakeitimų. Puslapį jūsų pasirinkta kalba šiuo metu rengia mūsų vertėjai. rumunų

Enforcement in civil and commercial cases

Forms of direct enforcement are those that relate to the object of an obligation as established by the enforcement order, i.e. the seizure of movable /immovable assets and the enforcement of an obligation (not) to act. In the case of enforcement of obligations to act, the law distinguishes between an obligation that can also be fulfilled by a person/entity other that the debtor and an intuitu personae obligation.

Indirect enforcement refers to the means of obtaining a sum of money that is the subject of an enforcement order through the forced sale of assets of the debtor (attachment of sums of money or seizure followed by sale of assets).

Obligations subject to enforcement are monetary obligations, the handing over an asset or the handing over of its use, the demolition of a building /abandonment of a plantation/discontinuation of works, etc.

Authorities competent for enforcement

Court judgments and other enforceable titles are executed by a judicial enforcement officer serving the appeal court in whose area of jurisdiction the immovable asset is located (in the case of seizure of immovable assets) or (in the case of seizure of movable assets) the debtor is domiciled or the assets are located.

Attachment is carried out, on the basis of the creditor’s application, by a judicial enforcement officer whose office is located in the area of jurisdiction of the court of appeal covering the domicile of the debtor/third party subject to attachment or, in the case of attachment of bank accounts, covering the registered office of the credit institution concerned.

The court of enforcement is the district court in whose area of jurisdiction the domicile of the debtor is located. The court of enforcement will deal with applications for a declaration of enforceability, applications opposing enforcement, etc.

Conditions under which an enforcement order or enforceable judgment may be issued

Enforcement may take place only pursuant to a court judgment (final judgments, provisionally enforceable decisions) or other written act (notarial authentic deed, debt security, arbitration award, etc.)

After receiving an application for enforcement filed by a creditor, the judicial enforcement officer registers it and may issue a decision concerning a declaration of enforceability, without summoning the parties. The decision is served upon the creditor. In the case of refusal, the creditor may lodge a complaint, within 15 days of the date of service, with the court of enforcement.

Subsequently, the enforcement officer will apply for a declaration of enforceability by the court, to which he or she will submit the creditor’s request, the enforceable title, the decision and proof of payment of fees. A ruling on the application will be handed down in closed session, without the parties being summoned. The court may refuse the application if: it falls within the jurisdiction of a different body; the judgment is not an enforceable title; the document does not meet all the formal requirements; the claim is not certain, of a fixed amount and due; the debtor enjoys immunity from enforcement; the instrument contains provisions that cannot be enforced, etc. A court ruling granting a request is not open to appeal, but it may be reviewed if the enforcement itself is contested. A ruling rejecting a request may be appealed against by the creditor within 15 days of its service.

The National Association of Judicial Enforcement officers (*Uniunea Națională a Executorilor Judecătorești*) establishes and updates, subject to the approval of the Minister for Justice, the minimum fees for the services provided.

Any procedure can be initiated if the debtor is summoned.

Object and nature of enforcement measures

A debtor’s income, amounts in bank accounts, movable and immovable assets, etc. may be subject to enforcement.

After movable assets have been identified, they are seized. If the amount due is not paid, the judicial enforcement officer will sell the seized goods at a public auction, or by direct sale, etc.

Any sums of money owed to the debtor by a third party may be subject to attachment. Any and all attached sums of money and assets are frozen from the date when the attachment injunction has been sent to the third party subject to attachment. From the time of freezing until full payment of obligations, the third party subject to attachment will not make any other payment. Otherwise, the matter may be referred to the court of enforcement with a view to having the attachment validated. The final validation decision has the effect of an assignment of claim and constitutes an enforcement order against the third party subject to attachment. After the attachment has been validated, the third party subject to attachment must make a deposit or payment within the limits of the amount concerned. Failure to do so will result in enforcement being initiated.

As regards enforcement against immovable property, if the debtor does not pay his/her debt, the judicial enforcement officer initiates the selling procedure after the declaration of enforceability has been served and has been entered in the land register.

The time-limit applicable is six months if the creditor has let this period elapse since the date of compliance with any enforcement action without having undertaken any other recovery actions. The limitation period is three years.

Possibility of appeal against the decision granting such a measure

An appeal may be lodged against actual enforcement. If enforcement is carried out in accordance with a court judgment, the debtor cannot contest it by invoking reasons in fact/in law that he/she could have brought at the proceedings before the court of first instance or before a court of appeal.
The competent count is the court of enforcement.
The appeal may be lodged within 15 days from the date on which: the appellant was made aware of the enforcement instrument; the party concerned was notified of the imposition of the attachment; the debtor was served the summons or the date on which he or she was made aware of the first enforcement instrument.
If it upholds the appeal against enforcement, the court will annul the enforcement order appealed against and will order the termination of enforcement or of execution of the enforcement order. If the appeal is rejected, the appellant may be obliged to pay compensation for the damages caused by delayed enforcement.
Pending the outcome of the objection to enforcement or of another application concerning enforcement, at the request of the party concerned and only on reasonable grounds, the competent court may suspend enforcement. Suspension may be requested at the same time as the objection to enforcement or by separate application.
The decision on the objection may be contested only by means of an appeal.
Limitations on enforcement, in particular related to debtor protection or time limits.
Certain assets and property are exempt. Exempt movable assets are: essential goods for personal use/household items, religious items; items indispensable for disabled persons or intended for care of the sick; a three-month food supply; a three-month winter fuel supply; personal letters, photographs, paintings, etc.
The debtor's salary/pension is subject to seizure of up to half of such net monthly income in the case of maintenance obligations, and up to one third for other types of obligation.
If such income falls short of the national net minimum wage, seizure may be effected only on the amount by which it exceeds half the minimum wage.
Income excluded from enforcement is: State benefits and child allowances, payments for the care of a sick child, maternity benefits, death benefits, State study grants, daily subsistence allowances, etc.
Relevant links
https://www.executori.ro
https://www.just.ro

Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

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Applications for refusal of recognition, applications for a decision that there are no grounds for refusal of recognition, and applications for refusal of a declaration of enforceability are within the jurisdiction of Tribunals[1] (Article 1 of Article I/4 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended, and Article 95(1) of Law No 134/2010 on the Code of Civil Procedure, republished, as amended).

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[1]pursuant to Article 2 of Article I/4 of Government Emergency Order No 119/2006 on measures necessary to implement certain Community Regulations from the date of Romania's accession to the EU, approved by Law No 191/2007, as amended, applications based on Article 54 of Regulation (EU) No 1215 /2012 which refer to adapting a measure or an order laid down in a judgment, a settlement which has been approved or concluded, or authentic instruments officially drawn up or registered in another Member State of the EU, may be lodged in cases where the subject matter is a refusal of recognition, a decision that there are no grounds for refusal of recognition, or a refusal of enforcement, or separately. Applications for adaptation of a measure or an order which are lodged separately are within the jurisdiction of Tribunals.

Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

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- in Romania, the court of appeal ('Curtea de apel')

Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

Dėmesio! Šiame puslapyje originalo kalba (ro) neseniai atlikta pakeitimų. Puslapį jūsų pasirinkta kalba šiuo metu rengia mūsų vertėjai. rumunų

- in Romania, the High Court of Cassation and Justice ('Înalta Curte de Casaţie şi Justiţie')

Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

Not applicable

Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

Dėmesio! Šiame puslapyje originalo kalba (ro) neseniai atlikta pakeitimų. Puslapį jūsų pasirinkta kalba šiuo metu rengia mūsų vertėjai. rumunų

- in Romania: Articles 1066-1082 under Title I 'International jurisdiction of Romanian courts' in Book VII 'International civil procedure' of Law No 134/2010 on the Code of Civil Procedure.

Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

Not applicable

Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

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the Treaty between the People's Republic of Bulgaria and the Romanian People's Republic on Legal Assistance in Civil, Family and Criminal Matters, signed at Sofia on 3 December 1958,
the Treaty between the Czech Republic and Romania on Legal Assistance in Civil Matters, signed at Bucharest on 11 July 1994,
the Convention between the Socialist Republic of Romania and the Kingdom of Greece on Legal Assistance in Civil and Criminal Matters, signed at Bucharest on 19 October 1972,
the Convention between the Socialist Republic of Romania and the Italian Republic on Legal Assistance in Civil and Criminal Matters, signed at Bucharest on 19 November 1972,
the Convention between the Socialist Republic of Romania and the French Republic on Legal Assistance in Civil and Commercial Matters, signed at Paris 5 November 1974,
the Treaty between Romania and the Republic of Poland on Legal Assistance and Legal Relations in Civil Matters, signed at Bucharest on 15 May 1999,
the Treaty between the Romanian People's Republic and the Federal People's Republic of Yugoslavia (applicable pursuant to the declaration of succession concluded with Slovenia and Croatia) on Legal Assistance, signed at Belgrade on 18 October 1960,
the Treaty between the Romanian People's Republic and the Socialist Republic of Czechoslovakia (applicable pursuant to the declaration of succession concluded with Slovakia) on Legal Assistance in Civil, Family and Criminal Matters, signed at Prague on 25 October 1958,
the Convention between Romania and the Kingdom of Spain on Jurisdiction, Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Bucharest on 17 November 1997,
the Treaty between the Romanian People's Republic and the People's Republic of Hungary on Legal Assistance in Civil, Family and Criminal Matters, signed at Bucharest on 7 October 1958,
the Convention between the Socialist Republic of Romania and the Republic of Austria on Legal Assistance in Civil and Family law and the Validity and Service of Documents and its annexed Protocol, signed at Vienna on 17 November 1965.

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