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Costuri

România

Această pagină vă oferă informații privind costurile judiciare din România.

Dreptul familiei – divorțul

Dreptul familiei – încredințarea copiilor minori

Dreptul familiei – pensia de întreținere

Dreptul comercial – contract

Dreptul comercial – răspundere

Cadrul legislativ care reglementează onorariile profesilor juridice

Avocați

Generalități

Onorariile avocaților sunt variabile, fiind stabilite în funcție de nivelul de dificultate al cauzei, de amploarea și durata acesteia. **Nivelul onorariului** poate fi convenit în mod liber între avocat și clientul său, dar în limitele legii și ale statutului profesiei.

Nivelul onorariilor plătibile se poate baza pe:

un tarif orar perceput pentru numărul de ore lucrate;

o sumă fixă;

o sumă care depinde de câștigarea cauzei: în plus față de suma fixă, avocatul poate solicita o sumă suplimentară, fixă sau variabilă, ce va fi achitată doar în eventualitatea unui câștig de cauză (cu toate acestea, este strict interzis ca onorariul avocatului să se bazeze exclusiv pe rezultatul judiciar).

atât onorarii orare cât și fixe, indiferent de rezultatul obținut.

Este aproape imposibil de furnizat o estimare a tarifelor, deoarece astfel de informații pot fi obținute după prezentarea cauzei unui avocat, care va evalua apoi tarifele ce vor trebui achitate, luând în calcul toate aspectele necesare legate de cauză și în principal cantitatea de muncă, valoarea litigiului și de asemenea natura părții în litigiu.

Executorii judecătorești

Generalități

Nivelul onorariului depinde de activitatea implicată în realizarea executării silită conform unei hotărâri judecătorești sau a unui titlu executoriu în baza legii. O listă de onorarii a fost stabilită de **Ministerul Justiției** în colaborare cu **Uniunea Națională a Executorilor Judecătorești**. Aceștia sunt plătiți de către partea care a solicitat executorului judiciar executarea unei proceduri. Executorii judecătorești sunt de obicei plătiți per act de executare.

În cazul executării silită a creanțelor având ca obiect plata unei sume de bani, onorariile maxime sunt următoarele:

Pentru creanțe în valoare de până la 50 000 RON inclusiv	Onorariul maxim perceput este de 10% din suma reprezentând valoarea creanței (de exemplu, dacă valoarea creanței este de 40 000 RON, tariful perceput nu poate fi mai mare de 400 RON (100 EUR)).
Pentru creanțe în valoare de peste 50 000 RON, dar până la 80 000 RON inclusiv	Onorariul maxim este egal cu o sumă fixă de 5 000 RON plus 3% din valoarea cu care suma respectivă depășește 50 000 RON.
Pentru creanțe în valoare de peste 80 000 RON, dar până la 100 000 RON inclusiv	Onorariul maxim este egal cu suma de 5 900 RON plus 2% din valoarea cu care suma respectivă depășește 80 000 RON.
Pentru creanțe în valoare de peste 100 000 RON	Onorariul maxim include o sumă fixă de 6 300 RON plus 1% din valoarea cu care suma respectivă depășește 100 000 RON.

Informații detaliate cu privire la onorariile minimale și maxime în funcție de tipul de act de executare silită

Onorarii percepute înainte de judecare (înainte de depunerea acțiunii)

Notificarea și comunicarea documentelor procedurale	Între 20 RON (5 EUR) și 400 RON (100 EUR).
Constatarea unei situații de fapt și realizarea unui inventar al bunurilor (Articolul 239 din Codul de procedură civilă)	Între 100 RON (25 EUR) și 2 200 RON (550 EUR) pentru un debitor persoană fizică sau 5 200 RON (1 300 EUR) pentru un debitor persoană juridică.
Proces verbal al ofertei reale	Între 50 RON (12,5 EUR) și 350 RON (87,5 EUR).
Confiscări	10% din valoarea realizată.
Sechestrul asigurator	Între 100 RON (25 EUR) și 1 200 RON (300 EUR) pentru un debitor persoană fizică sau 2 200 RON (550 EUR) pentru un debitor persoană juridică.
Consultanță juridică cu privire la întocmirea documentelor de executare	Între 20 RON (5 EUR) și 200 RON (50 EUR).

Onorarii percepute în timpul procedurilor

Poprire	60 RON (15EUR) este tariful minim pentru o creanță de maxim 1000 RON (250 EUR); 60 RON plus 2% din valoarea cu care suma depășește 1 000 RON pentru creanțe ce depășesc 1 000 RON.	Pentru sume de maxim 50 000 RON (12 500 EUR) tariful poate ajunge la maxim 10% din valoarea pretenției; Pentru sume între 50 001 RON și 80 000 RON (20 000 EUR) tariful este de 3% din valoarea pretenției; Pentru sume între 80 001 RON și 100 000 RON (25 000 EUR) tariful este de 2% din valoarea pretenției; și Pentru sume ce depășesc 100 000 RON tariful este de 1% din valoarea pretenției.
	Un tarif minim de 150 RON (37,5 EUR)	O sumă maximă de 400 RON (100 EUR).

Protest de neplată la schimb, bilet la ordin și cecurilor		
Sechestrul judiciar	Un tarif minim de 100 RON (EUR 25)	O sumă maximă de 1 200 RON (300 EUR) pentru un debitor persoană fizică sau 2 200 RON (550 EUR) pentru un debitor persoană juridică.

Tarife percepute ulterior procedurilor (după ce curtea a pronunțat hotărârea)

Încredințarea minorului sau stabilirea domiciliului minorului	Între 50 RON (aproximativ 12,5 EUR) și 1 000 RON (250 EUR).
Contactul cu un minor/Vizitarea minorului	Între 50 RON (aproximativ 12,5 EUR) și 500 RON (125 EUR).

În cazul recuperării debitelor /creanțelor prin executarea silită a bunurilor mobile sau imobile

Recuperarea debitelor/creanțelor prin urmărirea/executarea silită a bunurilor mobile	Tarife minime 60 RON (15 EUR) pentru creanțe de maxim 1 000 RON (250 EUR); 60 RON plus 2% din valoarea cu care suma depășește 1 000 RON pentru datorii/creanțe ce depășesc 1 000 RON.	Tarife maxime Până la 10% pentru sumele de maxim 50 000 RON (12 500 EUR); 3% pentru sumele între 50 001 RON și 80 000 RON (20 000 EUR); 2% pentru sumele între 80 001 RON și 100 000 RON (25 000 EUR); și 1% pentru sumele ce depășesc 100 000 RON.
Recuperarea debitelor/creanțelor prin urmărirea/executarea silită a bunurilor imobile	Tarife minime 150 RON (37,5 EUR) pentru creanțe de maxim 1 000 RON (250 EUR); 150 RON (37,5 EUR) plus 2% din valoarea cu care suma depășește 1 000 RON, pentru creanțe ce depășesc 1 000 RON.	Tarife maxime Până la 10% pentru sumele de maxim 50 000 RON (12 500 EUR); 3% pentru sume între 50 001 RON și 80 000 RON (20 000 EUR); 2% pentru sume între 80 001 RON și 100 000 RON (25 000 EUR); și 1% pentru sumele ce depășesc 100 000 RON.

Experți tehnici judiciari

Onorariile experților tehnici judiciari sunt variabile. Onorariul definitiv pentru expertiza tehnică judiciară se stabilește de organul care a dispus efectuarea expertizei, în funcție de complexitatea lucrării, de volumul de lucru depus și de gradul profesional ori științific al expertului tehnic judiciar.

expertiza tehnică judiciară se efectuează din dispoziția instanțelor judecătorești, a organelor de urmărire penală sau a altor organe cu atribuții jurisdicționale în vederea lămuririi unor fapte sau împrejurări ale cauzei, prin numirea de experți tehnici judiciari autorizați de Ministerul Justiției.

partea interesată are dreptul să solicite ca pe lângă expertul tehnic judiciar numit să mai participe la efectuarea expertizei, pe cheltuiala acesteia, și un expert tehnic judiciar sau un specialist, nominalizat de aceasta și încuviințat de organul judiciar care a dispus efectuarea expertizei, în calitate de consilier al părții.

Onorariul expertului tehnic judiciar nominalizat este stabilit de parte și de expert, de comun acord, în temeiul raporturilor contractuale dintre aceștia și este plătit acestuia de către partea care l-a nominalizat.

Costuri fixe

Costuri fixe pentru părțile în proceduri civile

Cost fix pentru a înainta o acțiune în instanță: cheltuieli de judecată și taxa de timbru

Pretențiile înaintate instanțelor care fac obiectul cheltuielilor de judecată trebuie să primească timbru judiciar.

Cheltuieli de judecată

Cheltuielile de judecată pot varia între aproximativ 0,5 EUR și peste 1 500 EUR.

Pentru **pretenții cuantificabile din punct de vedere financiar** (de exemplu aplicabile în cauzele de pensie alimentară, cauzele comerciale) cheltuielile de judecată variază în funcție de valoarea pretenției:

Valoarea pretențiilor	Valoarea cheltuielilor de judecată
Până la 39 RON	2 RON
39,01 RON – 388 RON	2 RON plus 10% din valoarea cu care suma pretenției depășește 39 RON
388,01 RON – 3 879 RON	37 RON plus 8% din valoarea cu care suma pretenției depășește 388 RON
3 879,01 RON – 19 395,00 RON	316 RON plus 6% din valoarea cu care suma pretenției depășește 3.879 RON
19 395,01 RON – 38 790,00 RON	1 247 RON plus 4% din valoarea cu care suma pretenției depășește 19 395 RON
38 790,01 RON – 193 948,00 RON	2 023 RON plus 2% din valoarea cu care suma pretenției depășește 38 790 RON
Peste 193 948,00 RON	5 126 RON plus 1% din valoarea cu care suma pretenției depășește 193 948 RON

Pentru pretențiile privind **dreptul familiei**, cheltuielile de judecată sunt:

În cazul divorțului cauzat de deteriorarea relațiilor familiale sau al divorțului convenit de comun acord între soți (Codul Familiei din România articolul 38 alineatele 1 și 2)	39 RON (10 EUR)
În cazul divorțului cauzat de imposibilitatea unuia dintre soți să își îndeplinească obligațiile legate de familie din cauza unei afecțiuni grave (Codul Familiei din România articolul 38 alineatul 3) și al divorțului cauzat de un venit redus al unuia dintre soți (mai mic decât salariul minim brut național) sau de lipsa unui venit	8 RON (2 EUR)
Pentru custodia copiilor, pentru stabilirea domiciliului unui minor, pentru recunoașterea copilului în vederea utilizării numelui părintelui	6 RON (2,5 EUR)

taxa de timbru (aproximativ 1 EUR) - variază între 1,5 RON și 5 RON

deciziile instanței – costul deciziei (aproximativ 1 EUR)

Hotărârile judecătorești, citațiile și notificările sunt comunicate în mod **gratuit** părților, martorilor, experților sau altor persoane sau instituții implicate în litigiu. Consultarea sau copierea documentelor din dosarul instanței și a certificatelor din biroul grefierului se efectuează contra cost (maxim 4 RON).

Costul obținerii unei decizii autentificate (mai puțin de 1 EUR)

Cereri adresate instanțelor pentru livrarea copiilor hotărârilor judecătorești finale și irevocabile	Instanța percepe o taxă în valoare de 2 RON
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Alte proceduri: costuri fixe

Onorariile datorate traducătorilor sau interpreților

1. Onorariile traducătorilor sau interpreților

Sunt stabilite de către instanță în hotărârea prin care este desemnat interpretul sau traducătorul. Tariful minim de 20 RON este majorat: cu 50% pentru traduceri din sau într-o limbă orientală (japoneză, chineză) sau o limbă rară sau pentru traduceri urgente (în termen de 24-48 ore); cu 100% pentru interpretariat simultan sau pentru servicii prestate la sfârșit de săptămână, pe durata sărbătorilor legale sau în zilele nelucrătoare, sau între orele 22.00 și 6.00.

Tarifele exacte sunt:

Pentru interpreți autorizați	23,15 (aproximativ 6 EUR) pe oră sau, dacă este cazul, pentru mai puțin de o oră (fracțiuni de oră)
Pentru traduceri	33,56 RON (aproximativ 8 EUR) pe pagină

TVA se adaugă la aceste sume acolo unde acest lucru este impus prin lege.

2. Onorariile executorilor judecătorești

Vă rugăm consultați capitolul despre onorariile executorilor judecătorești de mai sus.

Apeluri

Costurile unui proces la nivel de primă instanță sunt similare cu cele datorate pentru un apel dar se ridică la valoarea de 50% din cele suportate în cadrul procesului.

Etapa procedurii civile în cadrul căreia se plătesc costuri fixe

1. Cheltuieli de judecată

Acestea trebuie **achitate în avans**, înainte de primirea, procesarea sau emiterea documentației relevante sau prestarea serviciului solicitat. În practică, solicitantul achită cheltuielile de judecată estimate de acesta a fi corecte la introducerea pretenției. La prima audiere instanța stabilește cheltuielile de judecată ce trebuie achitate și solicită în mod legal părții să achite orice deficit.

2. Onorariile executorilor judecătorești

Cheltuielile legate de executare trebuie achitate în avans de către partea care a solicitat-o. Plata în avans a onorariilor executorilor judecătorești însă nu reprezintă o condiție pentru executarea hotărârilor judecătorești.

3. Onorarii de interpretare

Partea care a solicitat serviciile de interpretariat trebuie să achite onorariul stabilit de instanță, cheltuielile oficiale de deplasare sau onorariul interpretului în termen de 5 zile de la stabilirea taxei.

4. Onorariile experților

Suma stabilită drept onorariu provizoriu și avansul pentru cheltuielile de deplasare, atunci când este cazul, se depun, în termen de 5 zile de la numirea expertului tehnic judiciar, de partea la cererea căreia s-a încuviințat efectuarea expertizei în contul special al biroului local pentru expertize tehnice judiciare și contabile, deschis în acest scop. Instanța poate de asemenea hotărî ca aceste cheltuieli să fie suportate de ambele părți.

Onorariul definitiv pentru expertiza tehnică judiciară se stabilește de organul care a dispus efectuarea expertizei, în funcție de complexitatea lucrării, de volumul de lucru depus și de gradul profesional ori științific al expertului sau al specialistului.

Costuri fixe în proceduri penale

Costuri fixe pentru părțile implicate în proceduri penale

Nu există costuri fixe pentru părțile implicate în proceduri penale.

Costuri fixe în proceduri constituționale

Costuri fixe pentru părțile implicate în proceduri constituționale

Nu există costuri fixe în procedurile constituționale.

Informații prealabile care trebuie furnizate de reprezentanții legali

Drepturile și obligațiile părților

În România, reprezentanții legali **nu au obligația directă** de a furniza părților informații cu privire la drepturile și obligațiile acestora, șansele lor de succes și costurile aferente procedurilor. Cu toate acestea, conform Statutului profesiei juridice, avocatul are **obligația** de a-și consilia clientul într-un mod prompt, conștiincios, corect și diligent.

Temeiul juridic al costurilor

Unde se pot găsi informații privind temeiul juridic al costurilor în România?

Informațiile care explică diferite surse de cost nu sunt ușor de obținut întrucât nu sunt publicate pe site-urile web ale instituțiilor publice și nici nu sunt menționate în broșuri. Informațiile respective pot fi obținute direct de la persoanele care lucrează în domeniu sau din următoarele legi privind costurile judiciare.

cheltuielile de judecată și taxa de timbru sunt reglementate de Legea nr. 146/1997 cu privire la taxele instanțelor și de Ordonanța de Guvern nr. 32/1995 privind taxa de timbru.

onorariile avocațiale sunt reglementate de [Legea nr. 188/2000](#) privind executorii judecătorești cât și de Ordinul nr. 2550/C din 14 noiembrie 2006 cu privire la aprobarea onorariilor minime și maxime pentru serviciile prestate de executorii judecătorești.

onorariile experților tehnici judiciari sunt reglementate de Codul de procedură civilă și de Ordonanța de Guvern nr. 2/2000 privind organizarea activității de expertiză tehnică judiciară și extrajudiciară.

onorariile pentru traducere și interpretariat sunt reglementate de Codul de procedură civilă, de Legea nr. 178/1997 și de [Ordinul nr. 772 din 5 martie 2009](#) privind stabilirea tarifelor pentru plata interpreților și traducătorilor autorizați.

În ce limbi se pot obține informații cu privire la sursele de cost din România?

Legile prin care se reglementează costurile sunt disponibile **exclusiv în limba română**.

De unde se pot obține informații cu privire la mediere?

Medierea este reglementată de Legea nr. 192/2006 privind medierea și organizarea profesiei de mediator. Această lege prevede faptul că mediatorul are dreptul la plata unei **taxe convenite cu părțile**, cât și la rambursarea cheltuielilor suportate în legătură cu medierea.

De unde se pot obține informații suplimentare cu privire la costuri?

De unde se pot obține informații cu privire la durata medie a diferite proceduri?

Informațiile statistice cu privire la durata medie a cauzelor se regăsesc în raportul anual cu privire la activitatea judiciară din România, disponibile în limba română pe site-urile web publice ale Consiliului Superior al Magistraturii (a se vedea Capitolul 3.4 intitulat **Indicatori calitativi ai activității judiciare**, paginile 155-162).

Taxa pe valoare adăugată

Nu se aplică TVA pentru cheltuielile de judecată, taxa de timbru și nici pentru onorariile avocațiale incluse în contractul de asistență juridică.

Pentru traducerea de documente, se adaugă TVA la tariful aferent atunci când impune legea.

Asistență juridică

Pragul de venituri aplicabil în domeniul dreptului civil

Venitul mediu net lunar pe membru al familiei	Condiții de acordare
mai puțin de 500 RON (aproximativ 125 EUR)	Nivelul venitului trebuie să fie situat sub limită timp de cel puțin 2 luni înainte ca acțiunea să fie înaintată instanței, caz în care costurile cauzei sunt suportate integral de stat .
mai puțin de 800 RON (aproximativ 200 EUR)	Nivelul venitului trebuie să fie situat sub limită timp de cel puțin 2 luni înainte ca acțiunea să fie înaintată instanței, caz în care 50% din costurile cauzei sunt suportate de stat .

Asistența juridică este acordată de asemenea:

atunci când costurile estimate fixe sau generale ale procesului pot restricționa **dreptul constituțional de acces efectiv la justiție**; sau când dreptul de a avea acces la justiție ar putea fi restricționat din cauza **diferențelor de cost al vieții** dintre statul membru de reședință și România.

Indiferent de venitul solicitantului, atunci când o lege specială prevede dreptul la asistență juridică sau asistență juridică gratuită ca **măsură de protecție pentru solicitant** (în cazul în care solicitantul este minor, sau reprezintă o persoană cu handicap sau în orice altă situație specială).

Pragul de venituri aplicabil în domeniul dreptului penal pentru inculpați

Conceptul de prag este aplicabil doar în materie civilă. În materie penală, principalele prevederi juridice care reglementează acest domeniu sunt incluse în articolul 171 din Codul de procedură penală. Asistența juridică este acordată **inculpatului** în momentul în care:

acesta este minor;

a fost internat într-un centru de reeducare sau o instituție medicală educațională;

a fost arestat anterior sau ținut în custodie în contextul altei/altor cauze penale;

a fost internat din motive medicale sau beneficiază de tratament medical obligatoriu;

autoritatea de investigație penală sau instanța consideră că inculpatul nu este capabil să se apere singur;

pedeapsa prevăzută de lege pentru presupusa infracțiune este închisoare pe viață sau pentru cel puțin 5 ani.

Pragul de venituri aplicabil în domeniul dreptului penal pentru victime

Conceptul de prag nu este aplicabil pentru victime în domeniul justiției penale. Prevederile legale aplicabile care reglementează acest domeniu sunt incluse în articolul 173 din Codul de procedură penală.

Proceduri judiciare gratuite

Următoarele pretenții sunt scutite în mod legal de orice costuri judiciare:

toate pretențiile cu privire la: (1) protecția și promovarea drepturilor minorilor (reglementate de Legea nr. 272/2004 privind promovarea și protecția drepturilor minorilor), (2) tutelă, (3) curatelă, (4) asistență acordată persoanelor care suferă de boli psihice grave (bolnavi mintal);

pretențiile privind obligațiile juridice și contractuale de întreținere și toate pretențiile referitoare la adopție (reglementate de Legea nr. 273/2004 cu privire la adopție);

alte pretenții prevăzute de diverse legi.

Când trebuie partea căzută în pretenții să suporte costurile părții căreia instanța i-a dat câștig de cauză?

În materie civilă, regulile referitoare la repartizarea sau compensarea costurilor sunt reglementate de articolele 274-276 din **Codul de procedură civilă**. În principiu,

partea căzută în pretenții este obligată (la cerere) să achite costurile procesului;

judecătorul nu poate reduce cheltuielile de judecată sau alte cheltuieli achitate de partea căreia i s-a dat câștig de cauză;

în principiu, un inculpat care a acceptat cererea reclamantului, în cadrul primei audieri, nu trebuie să achite cheltuielile judiciare, cu excepția cazului în care acesta a fost notificat în mod oficial de către executorul judecătoresc prin intermediul procedurii specializate anterioare judecării cauzei, prezentată mai sus;

În materie penală, regulile referitoare la repartizarea sau compensarea costurilor sunt reglementate de articolele 189-193 din **Codul de procedură civilă**. În principiu,

cheltuielile necesare pentru realizarea actelor procedurale, administrarea dovezilor, întreținerea dovezilor materiale, onorariile avocațiale, cât și alte cheltuieli legate de procesele penale sunt acoperite de sumele alocate de Stat sau achitate de părți.

În cazul condamnării, inculpatul trebuie să acopere cheltuielile judiciare suportate de stat, cu excepția cheltuielilor pentru interpreții desemnați de organele judiciare și în cazul în care a fost acordată asistență juridică gratuită.

În cazul achitării sau încetării procesului penal în instanță, cheltuielile judiciare suportate de stat vor fi achitate după cum urmează:

În cazul achitării, de către: (a) victimă, în măsura în care au fost cauzate de aceasta; (b) partea civilă ale cărei pretenții civile au fost respinse complet, în măsura în care cheltuielile au fost cauzate de această parte; (c) inculpat, atunci când, deși acesta este achitat, este totuși obligat să plătească despăgubiri.

În cazul încetării procesului penal, de către (a) inculpat, în cazul în care înlocuirea responsabilității penale a fost ordonată sau există motive pentru a nu aplica pedeapsa; (b) ambele părți, în cazul reconcilierii; (c) victimă, în cazul în care plângerea este retrasă sau a fost depusă tardiv în instanță.

În caz de amnistie, prescrierea sau retragerea plângerii, cât și în cazul existenței unui motiv pentru a nu aplica pedeapsa, în cazul în care inculpatul solicită continuarea procesului penal, cheltuielile judiciare pot fi acoperite de victimă sau de inculpat, în funcție de alte prevederi juridice conexe.

În toate celelalte cazuri, Statul își achită propriile cheltuieli judiciare.

Onorariile experților tehnici judiciari

Articolul 274 din Codul de procedură civilă prevede că partea căzută în pretenții va fi obligată, la cerere, să plătească cheltuielile de judecată, cheltuieli care includ onorariile experților tehnici judiciari pe care partea căreia i s-a dat câștig de cauză i-a remunerat.

Fișiere relevante

Raportul României referitor la Studiul privind transparența costurilor  (544 Kb) 

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Case study 1 - family law - divorce - Romania

In this case study on family law – divorce, Member States were asked to advise the party that files for divorce on litigation costs in order to consider the following situations:

Case A – National situation: a couple gets married. Later they separate and agree to a divorce.

Case B – Transnational situation: Two nationals from a same Member State (Member State A) get married. The marriage is celebrated in Member State A. After the wedding, the couple moves to live and work in another Member State (Member State B) where they establish their residence. Shortly thereafter the couple separates with the wife returning to Member State A and the husband remaining in Member State B. The couple agrees to a divorce. Upon her return to Member State A, the wife immediately files for a divorce before the courts of Member State B.

NOTE – 1. The answers pertaining to all the case studies were provided assuming that the claim is made in the Romanian courts **2.** For better comprehension, the calculation of costs took into account the following hypothetical currency rate – EUR 1 = RON 4 (Romanian currency).

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals
	Initial court fees	Transcription fees	Other fees	Initial court fees
Case A	RON 39.3 (approximately EUR 10) comprising RON 39 (court fee) and RON 0.3 (stamp duty) Exception – RON 8.3 (approximately EUR 2) comprising RON 8 (court fees) and RON 0.3 (stamp duty), if the party does not have an income or the income is lower than the minimum national gross salary	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), photocopying charges (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	Legalisation - attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) Supralegalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) - only if it is necessary for the party	The decision cannot be appealed in this case, as the divorce is agreed by both parties
Case B	RON 39.3 (approximately EUR 10) comprising RON 39 (court fee) and RON 0.3 (stamp duty) Exception – RON 8.3 (approximately EUR 2) comprising RON 8 (court fees) and RON 0.3 (stamp duty) if the party does not have an income or the income is lower than the minimum national gross salary	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), photocopying costs (varying between EUR 0.05 and EUR 1.25 per each copy) must be paid	Legalisation -Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) Supralegalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) only if it is necessary for the party	The decision cannot be appealed in this case, as the divorce is agreed by both parties.

Case Study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case	Not applicable in this case
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case	Not applicable in this case

Case Study	Expert	
	Is use compulsory?	Cost
Case A	NO	Not applicable in this case

Case B	NO	Not applicable in this case
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Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes. However, this case does not require witnesses.	Not applicable in this case	Not applicable in this case	Not applicable in this case
Case B	Yes. However, this case does not require witnesses.	Not applicable in this case	Not applicable in this case	Not applicable in this case

Costs for legal aid and other reimbursement

Case study	Legal Aid			
	When and under which conditions is it applicable?	When is support total?	Conditions?	
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	NO
Case B	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	Not applicable in this case, as the parties consent to divorce (divorce is agreed by both parties)	NO

Costs for translation and interpretation

Case study	Translation	
	When and under which conditions is it necessary?	Approximative cost?
Case A	Not applicable in this case	Not applicable in this case.
Case B	When documents submitted to the court (part of the case dossier) are written in another language	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid

Case study	Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximative cost?	Description	Approximative cost?
Case A	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	-	-
Case B	If at least one of the parties does not speak Romanian.	RON 23.15 per hour (approximately EUR 6)	Yes, but are supported by the state	-

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Case study 2 - family law - custody of the children - Romania

In this case study on family law – custody of the children, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother and a right of access to the father. The mother sues to limit the father's right of access.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (Member State B) for a number of years. They have a child together but separate immediately after the child's birth. A court decision in Member State B gives the child's custody to the mother with a right of access to the father. The mother and the child move to live in another Member State (Member State A) as authorised to do so by the Court decision and the father remains in Member State B. A few years later, the mother sues in Member State A to change the father's right of access.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees
Case A	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid
Case B	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of RON 8.3 (approximately EUR 1)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid

Case Study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator.
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator.

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification – RON 20 minimum fee (approximately EUR 5) and

					RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee

Case Study	Expert	
	Is use compulsory?	Cost
Case A	NO	Not applicable in this case
Case B	NO	Not applicable in this case

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes	In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO
Case B	Yes			NO

		In general 100% of the costs are reimbursed	If the mother wins, all the costs borne by her can be recovered from the father in this case	
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Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description	Approximative cost?
Case A	Not applicable in this case	Not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	-	-
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when the party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.	If at least one of the parties does not speak Romanian. State A= Romania	RON 23.15 per hour (approximately EUR 6)	Yes, but are borne by the state	-

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Case study 3 - family law - alimony - Romania

In this case study on family law – alimony, Member States were asked to advise the suing party on litigation costs on litigation costs in order to consider the following situations:

Case A – National situation: Two persons have lived together unmarried for a number of years. They have a three year old child when they separate. A court decision grants custody of the child to the mother. The only outstanding dispute relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this.

Case B – Transnational situation where you are a lawyer in Member State A: Two persons have lived together unmarried in a Member State (State B). They have a three year old child. They separate. A court decision in Member State B gives the child's custody to the mother. With the agreement of the father, the mother and the child move to live in another Member State (Member State A) where they establish their residence.

An outstanding dispute remains. This relates to the amount of the alimony owed to the mother by the father for the support and education of the child. The mother sues on this in Member State A.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals		
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees
Case A	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	-

			EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party			
Case B	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	No court fees	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	-

Case study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator.
Case B	Yes	Costs are provided in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff		
	Is representation compulsory ?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgement) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party (the father) does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100)

					Bailiff's fees – RON 50 (approximately EUR 12.5) minimum fee and RON 500 (approximately EUR 125) maximum fee
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Case study	Expert	
	Is use compulsory?	Cost
Case A	NO	Not applicable in this case
Case B	NO	Not applicable in this case

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Not applicable in this case, as no witnesses will be heard	Not applicable in this case, as no witnesses will be heard	If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty)
Case B	Not applicable in this case, as no witnesses will be heard	Not applicable in this case, as no witnesses will be heard	If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) , comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	Yes	In general 100% of the costs are reimbursed.	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO
Case B	Please see annex 1 attached	Please see annex 1 attached	Please see annex 1 attached	Yes	In general 100% of the costs are reimbursed.	If the mother wins, all the costs borne by her can be recovered from the father in this case	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A	Not applicable in this case	Not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	

Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when the party contests the accuracy of a document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract, or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.	If at least one of the parties does not speak Romanian. State A = Romania	RON 23.15 per hour (approximately EUR 6)	Yes, but are supported by the State
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Case study 4 - commercial law - contract - Romania

In this case study on commercial law – contract, Member States were asked to advise the seller on litigation costs in order to consider the following situations:

Case A – National situation: A company delivered goods worth 20.000 euros. The seller has not been paid because the buyer considers that the goods do not conform to what was agreed.

The seller decides to sue to obtain the full payment of the price.

Case B – Transnational situation: A company whose head office is located in Member State B delivers goods worth 20.000 euros to buyer in Member State A. The contract is subject to Member State B's law and written in Member State B's language. This seller has not been paid because the buyer located in Member State A considers that the goods do not conform to what was agreed. The seller decides to sue in Member State A to obtain full payment of the price as provided under the contract with the buyer.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			Appeals	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees
Case A	RON 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of the initial court fees, namely RON 1,424.5999 (approximately EUR 355)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid
Case B	RON 2,849.1998 (approximately EUR 710), comprising RON 2,844.1998 (court fee) and RON 5 (stamp duty)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	50% of the initial court fees, namely RON 1,424.5999 (approximately EUR 355)	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid

Case study	ADR	
	Is this option open for this type of case?	Costs
Case A	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost which will be established by the court, depending on the complexity of the expertise.
Case B	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - maximum RON 2400 (approximately EUR 600)	NO	Variable cost, established by the court depending on the level of expertise required

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes			

		Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs of such preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)
Case B		Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs of such preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
	Yes		If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	Not applicable	Not applicable	Not applicable
Case B	Not applicable	Not applicable	Not applicable

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there any costs that should be reimbursed by legal aid?
Case A	Yes	In general 100% of the costs are reimbursed	<p>All the costs can be reimbursed in this case.</p> <p>All the costs can be reimbursed, except for costs involved in the following situation: The buyer who admits the seller's claim at the first hearing need not pay the judicial costs, except where he or she was notified before the hearing</p> <p>Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses.</p> <p>Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.</p>	NO
Case B	Yes	In general 100% of the costs are reimbursed	<p>All the costs can be reimbursed in this case.</p> <p>All the costs can be reimbursed, except for costs involved in the following situation: The buyer who admits the seller's claim at the first hearing need not pay the judicial costs, except where he or she was notified before the hearing</p> <p>Where the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs, and can also order the compensation of the expenses.</p> <p>Moreover, the court has the right to increase or reduce a lawyer's fees where it finds that these are unreasonably low or high in relation to the value of the case or the work carried out by the lawyer.</p>	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A					-

	In general, not applicable in this case	In general, not applicable in this case	When the party who should be heard by the court is deaf or mute, or does not know how to write	RON 23.15 per hour (approximately EUR 6)	-
Case B	1. When documents submitted to the court (part of the case dossier) are written in another language. 2. In addition, when a party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid	If at least one of the parties does not speak Romanian. State A = Romania	RON 23.15 per hour (approximately EUR 6)	Yes, they are borne by the State

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Case study 5 - commercial law - responsibility - Romania

In this case study on commercial law – responsibility, Member States were asked to advise the customer on litigation costs in order to consider the following situations:

Case A – National situation: A heating equipment manufacturer delivers a heater to an installer. The installer on-sells (and installs) the heater to a customer to equip his/her house. The house catches fire shortly thereafter. Every participant (heating equipment manufacturer, installer, end-customer) is insured. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies.

Case B – Transnational situation: A heating equipment manufacturer in a Member State B delivers heater to an installer in a Member State C. The installer on-sells the heater (and installs) the heater to a customer in Member State A to equip his/her house. The house catches fire shortly thereafter. Each participant (heating equipment manufacturer, installer, end-customer) is insured by an insurance company in its own Member State. The origin of the fire is contested. Nobody wants to compensate the customer.

The customer decides to sue in Member State A for full compensation the heating equipment manufacturer, the heating equipment installer and the insurance companies in Member State A.

Costs in Romania

Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court			
	Initial court fees	Transcription fees	Other fees	
Case A	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around EUR 0.5 and over EUR 1300	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	
Case B	The initial costs for bringing the action before the court (comprising court fee and stamp duty) depend on the amount (value) of the claim, as estimated by the applicant. These may vary between around EUR 0.5 and over EUR 1300	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	1. Legalisation – Attestation in order to obtain an authenticated court decision – RON 2.15 (approximately EUR 0.5) comprising RON 2 (court fee) and RON 0.15 (stamp duty) 2. Investing the court decision with an enforceable formula – RON 4.15 (approximately EUR 1) comprising RON 4 (court fee) and RON 0.15 (stamp duty) 3. Supra-legalisation – RON 1.15 (approximately EUR 0.25) comprising RON 1 (court fee) and RON 0.15 (stamp duty) – only if it is necessary for the party	

Case Study	Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	50% of the initial costs for bringing the action before the court	In order to obtain simple copies of various procedural	-	Yes	

		documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid			Costs are provided for in the mediation contract, as agreed by the parties and the mediator
Case B	50% of the initial costs for bringing the action to the court.	In order to obtain simple copies of various procedural documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR 0.05 and EUR 1.25 per copy) must be paid	-	Yes	

Costs for lawyer, bailiff and expert

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory ?	Average costs	Is representation compulsory ?	Pre-judgment costs	Post-judgment costs	Is use compulsory ?	Cost
Case A	NO	Variable costs depending on the legal assistance contract Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - depends on the sum awarded by the court as compensation	Yes	Variable costs, established by the court depending on the level of expertise required
Case B	NO	Variable costs depending on the legal assistance contract. Not applicable in this case, as representation is not compulsory	NO	Not applicable in this case, as only the court decision (issued post judgment) can be subject to enforcement, if the losing party does not execute it willingly	Granting enforcement of the court decision – RON 10.3 (approximately EUR 2.5), comprising RON 10 (court fee) and RON 0.3 (stamp duty) Notification– RON 20 minimum fee (approximately EUR 5) and RON 400 maximum fee (approximately EUR 100) Bailiff's fees - depends on the sum awarded by the court as compensation	Yes	Variable costs, established by the court depending on the level of expertise required

Costs for witness compensation, pledge or security and other relevant fees

Case Study	Witness compensation		Pledge or security	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost
Case A	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs such as preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)
Case B	Yes	Transport costs are reimbursed and, if the witness so requests, compensation for the time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	Eventual requests for insuring evidence (proofs such as preserved documents)	RON 8.3 (approximately EUR 2) comprising RON 8 (court fee) and RON 0.3 (stamp duty)
			If the party requests the grant of insurance measures (insuring sequester, garnishment)	RON 10.3 (approximately EUR 2.5) comprising RON 10 (court fee) and RON 0.3 (stamp duty)

Costs for legal aid and other reimbursement

Case study	Legal Aid		
	When and under which conditions is it applicable?	When is support total?	Conditions?
Case A	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached
Case B	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached	If the applicant is a natural person, please see annex 1 attached

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?
Case A	Yes	In general 100% of the costs are reimbursed.	All the costs can be reimbursed in this case All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing In the case when the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs. The court can also order the compensation of the expenses. Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer	NO
Case B	Yes	In general 100% of the costs are reimbursed	All the costs can be reimbursed, except for costs relating to the following situation: The sued party who admitted the applicant's claim at the first hearing need not pay judicial costs, except where the sued party was notified before the hearing In the case when the court partially accepts the claims of both parties, the court will determine to which extent the parties can be ordered to pay the trial costs. The court can also order the compensation of the expenses. Moreover, the court has the right to increase or to reduce the lawyers' fees if they are found to be unreasonably low or high in relation to the value of the case or the work undertaken by the lawyer	NO

Costs for translation and interpretation

Case study	Translation		Interpretation		Other costs specific to cross-border disputes?
	When and under which conditions is it necessary?	Approximative cost?	When and under which conditions is it necessary?	Approximative cost?	Description
Case A	In general, not applicable in this case	In general, not applicable in this case.	When the party who should be heard by the court is deaf or mute, or does not know how to write.	RON 23.15 per hour (approximately EUR 6)	
Case B		The costs may vary according to the translation	If at least one of the parties does not speak	RON 23.15 per hour (approximately EUR 6)	Yes, they are borne by the state

1. When documents submitted to the court (part of the case dossier) are written in another language.	contract or, if the translation is performed by an authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid	Romanian. State A = Romania		
2. In addition, when a party contests the accuracy of the document translated into Romanian, the court may request the translation of the document by an authorised translator.				

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