

Domovská stránka>Podanie na súd>Kde a ako>Trovy konania

Trovy konania

Rumunsko

Informácie o súdnych troch v Rumunsku nájdete na tejto stránke.

Rodinné právo – rozvod

Rodinné právo – opatrovníctvo dieťaťa

Rodinné právo – výživné

Obchodné právo – zmluvy

Obchodné právo – zodpovednosť

Právny rámec upravujúci poplatky v právnických profesiách

Právni zástupcovia

Všeobecné ustanovenia

Poplatky právnym zástupcom sa líšia a sú stanovené podľa stupňa zložitosti prípadu, jeho rozsahu a trvania. Výška poplatkov sa môže voľne stanoviť medzi právnym zástupcom a jeho klientom, a to v rámci zákona a štatútu profesie.

Výška poplatkov môže byť založená na:

hodinovej sadzbe splatnej v závislosti od počtu odpracovaných hodín;

pevnej sume;

sume, ktorá závisí od úspešného výsledku: okrem pevnej sumy môže právny zástupca žiadať aj zaplataenie dodatočnej, pevnej alebo variabilnej sumy, ktorá je splatná po úspešnom ukončení konania (je však prísne zakázané, aby bola odmena právnym zástupcom založená výlučne na výsledku súdneho konania); hodinových aj pevných poplatkoch bez ohľadu na výsledok.

Je takmer nemožné uviesť odhad poplatkov, pretože tieto informácie je možné získať až po predložení prípadu právnemu zástupcovi, ktorý následne stanoví výšku poplatkov po zohľadnení všetkých potrebných aspektov súvisiacich s prípadom a najmä množstvo práce, hodnotu sporu ako aj charakter strany sporu.

Exekútori (Súdni exekútori)

Všeobecné ustanovenia

Výška poplatkov súdnych exekútorov závisí od povahy činnosti presadzovania práva na základe súdneho rozsudku alebo exekučného titulu v súlade s právnymi predpismi. Zoznam poplatkov stanovilo ministerstvo spravodlivosti v spolupráci s Národnou úniou súdnych exekútorov Rumunska. Tieto poplatky uhrádza strana, ktorá požiadala súdneho exekútora o exekúciu určitého konania. Vo všeobecnosti sa súdni exekútori platia za každú vykonávanú exekúciu zvlášť.

Maximálna výška poplatkov za exekúciu sporov týkajúcich sa peňažných súm je stanovená na nasledujúcom základe:

V prípade sporov s hodnotou menej ako 50 000 RON	Maximálna výška vybraného poplatku je 10% zo sumy sporu (napríklad, ak je hodnota sporu 40 000 RON, vybraný poplatok nemôže byť vyšší ako 400 RON (40 EUR)).
V prípade sporov s hodnotou od 50 000 RON do 80 000 RON	Maximálna výška poplatku sa rovná sume 5 000 RON plus 3 % zo sumy, o ktorú daná suma presahuje 50 000 RON.
V prípade sporov s hodnotou od 80 000 RON do 100 000 RON	Maximálna výška poplatku sa rovná sume 5 900 RON plus 2% zo sumy, o ktorú daná suma presahuje 80 000 RON.
V prípade sporov s hodnotou viac ako 100 000 RON	Maximálna výška poplatku sa rovná sume 6 300 RON plus 1% zo sumy, o ktorú daná suma presahuje 100 000 RON.

Podrobné informácie o fixnom rozsahu poplatkov podľa typu vykonávanej exekúcie

Poplatky vybrané pred vynesení rozsudku (pred ukončením sporu)

Notifikácia a predloženie procesných dokumentov	Od 20 RON (5 EUR) do 400 RON (100 EUR).
Zistenie skutkovej situácie a inventúra tovaru (článok 239 občianskeho súdneho poriadku)	Od 100 RON (25 EUR) do 2 200 RON (550 EUR) pre dlžníka, ktorým je fyzická osoba, alebo 5 200 RON (1 300 EUR) pre dlžníka, ktorým je právnická osoba.
Protokol o vecnej ponuke	Od 50 RON (12,5 EUR) do 350 RON (87,5 EUR).
Konfiškácia	10% z hodnoty vo všetkých prípadoch.
Poistenie proti zhabaniu	Od 100 RON (25 EUR) do 1 200 RON (300 EUR) pre dlžníka, ktorým je fyzická osoba, alebo 2 200 RON (550 EUR) pre dlžníka, ktorým je právnická osoba.
Právna konzultácia v súvislosti s vypracovaním exekučných dokumentov	Od 20 RON (5 EUR) do 200 RON (50 EUR).

Poplatky vybrané počas súdnych konaní

Súdne predvolanie	60 RON (15 EUR) je minimálny poplatok za pohľadávku do výšky 1 000 RON (250 EUR). 60 RON plus 2% zo sumy, o ktorú daná suma presahuje 1 000 RON za pohľadávku vo výške viac ako 1 000 RON	V prípade sumy do výšky 50 000 RON (12 500 EUR) môže byť poplatok do výšky 10% hodnoty sporu; V prípade sumy od 50 001 RON do 80 000 RON (20 000 EUR) je tento poplatok 3% z hodnoty sporu; V prípade sumy od 80 001 RON do 100 000 RON (25 000 EUR) je tento poplatok 2% z hodnoty sporu; a V prípade sumy nad 100 000 RON je tento poplatok 1% z hodnoty sporu.
	Minimálny poplatok vo výške 150 RON (37,5 EUR)	Maximálne 400 RON (100 EUR).

Spory týkajúce sa neplatenia zmeniek, dlžobných úpisov alebo šekov		
Súdna konfiškácia	Minimálny poplatok vo výške 100 RON (25 EUR)	Maximálne 1 200 RON (300 EUR) pre dlžníka, ktorým je fyzická osoba, alebo 2 200 RON (550 EUR) pre dlžníka, ktorým je právnická osoba.

Poplatky vyberané po skončení súdneho konania (potom, ako súd vydal rozsudok)

Umiestnenie dieťaťa (maloletého) alebo určenie miesta pobytu dieťaťa (maloletého)	Od 50 RON (približne 12,5 EUR) do 1 000 RON (250 EUR).
Kontakt s dieťaťom/návšteva dieťaťa (maloletého)	Od 50 RON (približne 12,5 EUR) do 500 RON (125 EUR).

V prípade vyberania dlhov

Vyberanie dlhov prostredníctvom vymáhania pohľadávky na hnuteľnom majetku	Minimálne poplatky 60 RON (15 EUR) za pohľadávku do výšky 1 000 RON (250 EUR); 60 RON plus 2 % zo sumy, o ktorú daná suma presahuje 1 000 RON za pohľadávku vo výške viac ako 1 000 RON.	Maximálne poplatky do 10 % za sumy do výšky 50 000 RON (12 500 EUR); 3 % za sumy od 50 001 RON do 80 000 RON (20 000 EUR); 2 % za sumy od 80 001 RON do 100 000 RON (25 000 EUR); a 1 % za sumy vyššie ako 100 000 RON.
Vyberanie dlhov prostredníctvom vymáhania pohľadávky na nehnuteľnom majetku	Minimálne poplatky 150 RON (37,5 EUR) za pohľadávku do výšky 1 000 RON (250 EUR). 150 RON (37,5 EUR) plus 2% zo sumy, o ktorú daná suma presahuje 1 000 RON za pohľadávku vo výške viac ako 1 000 RON	Maximálne poplatky do 10% za sumy nepresahujúce 50 000 RON (12 500 EUR); 3% za sumy od 50 001 RON do 80 000 RON (20 000 EUR); 2% za sumy od 80 001 RON do 100 000 RON (25 000 EUR); a 1% za sumy vyššie ako 100 000 RON.

Súdni znalci

Odmeny súdnych znalcov sa líšia. Ich výška závisí od charakteru znaleckého posudku. Poplatok za súdnoznalecký posudok stanovuje orgán, ktorý tento posudok nariadil, pričom sa berie do úvahy zložitost' posudku, množstvo vykonanej práce, platová trieda a vedecká úroveň súdneho znalca.

Súdnoznalecký posudok sa vykonáva na podnet súdov, orgánov činných v trestnom konaní alebo orgánov vykonávajúcich úlohy súvisiace so zisťovaním skutkovej podstaty alebo okolností prípadu, tým, že menujú súdnych znalcov poverených ministerstvom spravodlivosti.

Zainteresovaná strana má právo žiadať, aby znalecký posudok vykonal vymenovaný súdny znalec spolu so súdnym znalcom alebo odborníkom ako poradcom uvedenej strany, ktorého nominuje a jeho odmenu hradí uvedená strana. Vymenovanie súdneho znalca musí schváliť súdny orgán, ktorý nariadil vykonanie znaleckého posudku. Odmenu nominovaného súdneho znalca stanovia strana a znalec spoločnou dohodou na základe zmluvných vzťahov.

Odmenu hradí strana, ktorá znalca nominovala.

Fixné náklady

Fixné náklady strán v občianskoprávných sporoch

Fixné náklady na predloženie žaloby na súd: súdne poplatky a poplatok za kolký

Žaloby predložené súdu, ktoré podliehajú súdnym poplatkom, musia obsahovať súdny kolok.

Súdne poplatky

Súdne poplatky sa môžu pohybovať od 0,5 EUR do viac ako 1 500 EUR.

V prípade **finančne kvantifikovateľných sporov** (napr. uplatniteľných v prípadoch určenia výživného, v obchodných prípadoch) sa súdne poplatky líšia v závislosti od hodnoty sporu:

Hodnota sporu	Výška súdnych poplatkov
do 39 RON	2 RON
39,01 RON – 388 RON	2 RON plus 10 % zo sumy, o ktorú daná hodnota sporu presahuje 39 RON
388,01 RON – 3 879 RON	37 RON plus 8 % zo sumy, o ktorú daná hodnota sporu presahuje 388 RON
3 879,01 RON – 19 395,00 RON	316 RON plus 6 % zo sumy, o ktorú daná hodnota sporu presahuje 3 879 RON
19 395,01 RON – 38 790,00 RON	1 247 RON plus 4 % zo sumy, o ktorú daná hodnota sporu presahuje 19 395 RON
38 791,01 RON – 193 948 RON	2 023 RON plus 2 % zo sumy, o ktorú daná hodnota sporu presahuje 38 790 RON
viac ako 193 948 RON	5 126 RON plus 1 % zo sumy, o ktorú daná hodnota sporu presahuje 193 948 RON

V prípade sporov týkajúcich sa **rodinného práva** sú súdne poplatky nasledovné:

Za rozvod spôsobený zhoršením rodinných vzťahov alebo rozvod po vzájomnom súhlase manželov (Rumunský rodinný zákonník, článok 38 ods. 1 a 2)	39 RON (10 EUR)
Za rozvod spôsobený neschopnosťou manželov vykonávať svoje rodinné povinnosti z dôvodu vážneho ochorenia (Rumunský rodinný zákonník, článok 38 ods. 3) a rozvod spôsobený nízkym príjmom člena rodiny (nižší ako minimálna hrubá národná mzda) alebo chýbajúcim príjmom	8 RON (2 EUR)
Za opateru dieťaťa, za stanovenie bydliska maloletého dieťaťa, za uznanie dieťaťa s možnosťou používať meno rodiča	6 RON (2,5 EUR)

poplatok za kolký (približne 1 EUR) – pohybuje sa vo výške od 1,5 RON do 5 RON

súdne rozhodnutia - Trovy rozhodnutia (pribl. 1 EUR)

Súdne rozhodnutia, oznámenia a súdne predvolania sa oznamujú stranám, svedkom, znalcom alebo ostatným osobám alebo inštitúciám, ktoré sú stranami sporu, **bezplatne**.

Konzultácia alebo kópia dokumentov zo súdnej zložky a potvrdenia z kancelárie súdneho úradníka, sú spoplatnené (maximálne 4 RON).

Náklady na získanie overeného rozhodnutia (menej ako 1 EUR)

Žiadosti predložené súdu o poskytnutie kópií konečných a neodvolateľných súdnych rozhodnutí	Opatrené kolkom so súdnym poplatkom vo výške 2 RON
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Ostatné konania: fixné náklady

Odmeny splatné prekladateľom a tlmočníkom

1. Odmeny prekladateľov a tlmočníkov

Stanovuje ich súd v súdnom nariadení, v ktorom vymenúva tlmočníka alebo prekladateľa. Minimálna sadzba vo výške 20 RON sa zvyšuje:

o 50% za preklady z orientálneho jazyka alebo späť (japončina, čínština) alebo pri zriedkavo používaných jazykoch či v prípade urgentných prekladov (do 24 – 48 hodín);

o 100% za simultánne tlmočenie alebo za služby počas víkendov, štátnych sviatkov alebo dní pracovného voľna, alebo v čase od 22.00 do 06.00 hod.

Presná výška sadzieb je stanovená pre:

súdnych tlmočníkov	23,15 RON (približne 6 EUR) na hodinu, alebo v prípade potreby za menej ako hodinu (časť hodiny)
preklady	33,56 RON (približne 8 EUR) za stranu

DPH sa k týmto sumám pripočítava v prípade potreby vyplývajúcej zo zákona.

2. Odmeny exekútorov (Súdnych exekútorov)

Viac informácií nájdete v kapitole o odmenách exekútorov vyššie.

Odvolania

Náklady na súdne konanie na súde prvého stupňa sú podobné nákladom splatným v odvolacom konaní, dosahuje však výšku 50 % nákladov na súde.

Občianske súdne konania, v ktorých sa musia zaplatiť fixné náklady

1. Súdne poplatky

Súdne poplatky sa **uhrádzajú vopred**, a to pred prijatím, spracovaním alebo vydaním príslušnej dokumentácie alebo vykonaním požadovanej služby. V praxi žiadateľ zaplatí pri predložení žiadosti súdny poplatok, ktorý považuje za správny. Na prvom vypočutí súd určí výšku právnych súdnych poplatkov, ktoré je potrebné uhradiť, a vyzve stranu sporu, aby uhradila prípadný nedoplatok.

2. Odmeny súdnych exekútorov

Výdavky súvisiace s exekúciou musí zaplatiť vopred strana, ktorá o exekúciu požiadala. Zaplatenie odmeny vopred súdnemu exekútorovi však nemôže byť podmienkou výkonu súdnych rozhodnutí.

3. Odmeny za tlmočenie

Strana, ktorá požiadala o služby tlmočníka, musí uhradiť poplatky stanovené súdom, oficiálne cestovné náklady alebo odmenu tlmočníkovi do 5 dní od stanovenia tohto poplatku.

4. Odmeny znalcov

Strana, ktorá požiadala o súdnoznalecký posudok je povinná uhradiť predbežne dohodnutú sumu, prípadne zálohu na úhradu cestovných nákladov do 5 dní odo dňa vymenovania súdneho znalca, a to prostredníctvom špeciálneho účtu, ktorý výlučne na tento účel otvoril miestny úrad pre súdnoznalecké a účtovné posudky. Súd môže tiež nariadiť, aby tieto výdavky znášali obe strany sporu.

Poplatok za súdnoznalecký posudok stanovuje orgán, ktorý tento posudok nariadil, pričom sa berie do úvahy zložitosť posudku, množstvo vykonanej práce, platová trieda a vedecká úroveň znalca alebo odborníka.

Fixné náklady v trestnom konaní

Fixné náklady pre strany sporu v trestných konaniach

Pre strany sporu v trestných konaniach nie sú stanovené žiadne fixné náklady.

Fixné náklady v konaní pred Ústavným súdom

Fixné náklady pre sporové strany v konaniach pred Ústavným súdom

Pre strany sporu v konaniach pred Ústavným súdom nie sú stanovené žiadne fixné náklady.

Informácie, ktoré musia právni zástupcovia vopred poskytnúť

Práva a povinnosti strán

Právni zástupcovia v Rumunsku **nemajú priamu povinnosť** poskytovať stranám vopred informácie o ich právach a povinnostiach, vyhliadkach na úspech a nákladoch na súdne konanie. Podľa štatútu právnych profesií je však právny zástupca **povinný** poskytnúť svojmu klientovi poradenstvo promptným, svedomitým, náležitým a dôkladným spôsobom.

Zdroje trov

Kde nájdem informácie o zdrojoch trov v Rumunsku?

Informácie o rôznych zdrojoch trov nie sú jednoducho dostupné, pretože nie sú uverejnené na webových stránkach verejných inštitúcií, ani sa neuvádzajú v brožúrach. Tieto informácie môžete získať priamo od osôb pracujúcich v danej oblasti alebo v nasledujúcich zákonoch týkajúcich sa súdnych trov.

Súdne trovy a poplatky za kolký reguluje zákon č. 146/1997 o súdnych trovách a vládne nariadenie č. 32/1995 o poplatkoch za kolký.

Odmeny právnych zástupcov upravuje **zákon 188/2000** o súdnych exekútoroch/exekútoroch, ako aj nariadenie č. 2550/C zo 14. novembra 2006 o schválení minimálnych a maximálnych poplatkov za služby súdnych exekútorov.

Odmeny znalcov upravuje občiansky súdny poriadok a nariadenie vlády č. 2/2000 o organizácii činnosti súdnej alebo mimosúdnej technickej expertízy.

Odmeny za preklad a tlmočenie upravuje občiansky súdny poriadok, a to v zákone č. 178/1997 a prostredníctvom **nariadenia č. 772 z 5. marca 2009** o stanovení poplatkov pre súdnych tlmočníkov a prekladateľov.

V akých jazykoch môžete získať informácie o zdrojoch trov v Rumunsku?

Právne predpisy upravujúce trovy konania sú **dostupné len v rumunskom jazyku**.

Kde nájdem informácie o mediácii?

Mediáciu upravuje zákon č. 192/2006 o mediácii a organizácii profesie mediátora. V tomto zákone sa uvádza, že mediátor má nárok na zaplatenie **odmeny dohodnutej so stranami sporu**, ako aj na úhradu nákladov spojených s mediáciou.

Kde nájdem ďalšie informácie o trovách?

Kde nájdem informácie o priemernej dĺžke trvania jednotlivých konaní?

Štatistické informácie o priemernej dĺžke trvania prípadov sa nachádzajú vo výročnej správe o činnosti rumunského súdnictva, ktorá je dostupná v rumunskom jazyku na verejných webových stránkach Vyššej sudcovskej rady (pozri kapitolu 3.4 s názvom [Ukazovatele kvality činnosti súdnictva](#), strany 155 až 162).

Daň z pridanej hodnoty

Na súdne trovy ani poplatky za kolký či odmeny právnych zástupcov zahrnuté v zmluve o poskytovaní právnej pomoci sa nevzťahuje DPH.

V prípade prekladu dokumentov sa DPH započítava do sadzby, ak to vyžaduje zákon.

Právna pomoc

Uplatniteľný príjmový strop v oblasti občianskeho práva

Priemerný čistý mesačný príjem na člena rodiny	Podmienky poskytovania
menej ako 500 RON (pribl. 125 EUR)	Výška príjmu by sa mala nachádzať pod hranicou minimálne 2 mesiace pred začatím súdneho konania, pričom v takomto prípade znáša všetky trovy prípadu štát .
menej ako 800 RON (pribl. 200 EUR)	Výška príjmu by sa mala nachádzať pod hranicou minimálne 2 mesiace pred začatím súdneho konania, pričom v takomto prípade 50 % trov prípadu znáša štát .

Právna pomoc sa poskytuje aj v týchto prípadoch:

keď fixné alebo celkové náklady na súdne konanie môžu obmedziť ústavné **právo na účinný prístup k spravodlivosti**; alebo

keď prístup k spravodlivosti môže byť obmedzený z dôvodu **rozdielov v nákladoch na živobytie** medzi členským štátom pobytu a Rumunskom,

bez ohľadu na príjem príjemcu v prípade, keď osobitný zákon stanovuje právo na poskytovanie právnej pomoci ako **ochranného opatrenia pre príjemcu** (ak je príjemca maloletá osoba, osoba so zdravotným postihnutím alebo ak sa nachádza v inej osobitnej situácii).

Platná hranica príjmu v oblasti trestného súdnictva pre obžalovaných

Koncept hranice príjmu sa nevzťahuje na trestné veci. V trestných veciach sa príslušné právne ustanovenia upravujúce túto oblasť nachádzajú v článku 171 trestného poriadku. Právna pomoc sa poskytuje **obžalovaným** v týchto prípadoch:

keď ide o maloleté osoby;

keď boli internovaní do reedukačných centier alebo vzdelávacej lekárskej inštitúcie;

keď boli uväznení alebo vzatí do väzby v kontexte ostatných trestných prípadov;

keď boli internovaní zo zdravotných dôvodov alebo keď sa nachádzajú pod povinným lekársnym dohľadom;

keď sa orgán činný v trestnom konaní alebo súd domnieva, že obžalovaný nie je schopný sa sám obhajovať;

keď trest stanovený zákonom za spáchaný trestný čin je doživotie alebo odňatie slobody minimálne na 5 rokov.

Platná hranica príjmu v oblasti trestného súdnictva pre obeť

Koncept hranice príjmu sa nevzťahuje na obeť v oblasti trestného súdnictva. Príslušné právne ustanovenia upravujúce túto oblasť sa nachádzajú v článku 173 Trestného poriadku.

Bezplatné súdne konania

Nasledujúce spory sú zo zákona oslobodené od platenia súdnych trov:

všetky spory, ktoré sa týkajú (1) ochrany a podpory práv detí (upravené zákonom č. 272/2004 o podpore a ochrane detských práv), (2) opatrovníctva, (3) poručníctva, (4) pomoci pre osoby s vážnym mentálnym postihnutím (duševne chorých);

spory týkajúce sa právnych a zmluvných vyživovacích povinností a všetky spory týkajúce sa adopcie (upravené zákonom č. 273/2004 o adopcii);

ostatné spory vyplývajúce z rôznych zákonov.

Kedy je strana, ktorá spor prehrala, povinná nahradiť trovy druhej strany?

V občianskoprávných veciach sú pravidlá týkajúce sa priznania trov alebo kompenzácií trov v zásade upravené článkami 274 až 276 **Občianskeho súdneho poriadku**:

strana, ktorá spor prehrala, je povinná (na požiadanie) uhradiť trovy súdneho sporu;

súdca nemôže znížiť súdne poplatky alebo iné výdavky, ktoré má uhradiť strana, ktorá súdny spor vyhrala;

žalovaný, ktorý uznal nárok žalobcu na prvom pojednávaní, v zásade nemusí zaplatiť súdne výdavky, ak ho o tom oficiálne neupovedomil exekútor prostredníctvom špecializovaného konania pred vynesením rozsudku uvedeného vyššie;

V trestných veciach rozsudky týkajúce sa priznania trov alebo kompenzácií trov v zásade upravujú články 189 až 193 **Trestného poriadku**. V zásade: náklady na výkon procesných konaní, vykonávanie dôkazov, zabezpečenie materiálnych dôkazných prostriedkov, odmeny právnych zástupcov ako aj všetky ostatné náklady súvisiace so súdnymi konaniami v trestných veciach sa uhrádzajú z prostriedkov, ktoré poskytol štát alebo ktoré zaplatili strany sporu. v prípade odsúdenia je obžalovaný povinný zaplatiť súdne výdavky, ktoré uhradil štát, s výnimkou výdavkov na tlmočníkov, ktorých vymenovali súdne orgány, a v prípadoch, v ktorých bola poskytnutá bezplatná právna pomoc.

v prípade oslobodenia alebo zastavenia súdneho konania sa náklady na súdne konanie vzniknuté štátu uhrádzajú nasledovným spôsobom:

V prípade oslobodenia tieto náklady uhrádza: a) obeť, a to do tej miery, do akej tento trestný čin spôsobila; b) občan, ktorého občianskoprávne žaloby boli úplne zamietnuté, a to do tej miery, do akej tieto náklady spôsobil; c) obžalovaný, ktorý, aj keď ho súd oslobodil, je stále povinný uhradiť vzniknuté škody.

V prípade zastavenia súdneho konania tieto náklady uhrádza a) obžalovaný, ak bolo nariadené nahradenie trestnej zodpovednosti alebo ak existuje dôvod na jeho nepotrestanie; b) obe strany v prípade uzmierenia; c) obeť, v prípade, že trestné oznámenie bolo zamietnuté alebo ak bolo súdu predložené neskoro.

V prípade udelenia amnestie, premičania alebo stiahnutia trestného oznámenia, ako aj v prípade existencie dôvodu pre nepotrestanie, ak obžalovaný požiada o pokračovanie súdneho procesu, súdne výdavky môže znášať obeť alebo obžalovaný v závislosti od ostatných súvisiacich zákonných ustanovení.

Vo všetkých ostatných prípadoch uhrádza svoje vlastné súdne náklady štát.

Odmeny znalcov

V článku 274 občianskeho súdneho poriadku sa uvádza, že strana, ktorá súdny spor prehrala, musí uhradiť trovy súdneho konania, ktoré zahŕňajú odmeny súdnych znalcov, ktoré zaplatila strana, ktorá súdny spor vyhrala.

Súvisiace prílohy

[Správa Rumunska o Štúdiu transparentnosti trov](#)  (544 Kb) 

Posledná aktualizácia: 03/11/2020

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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

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	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	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 EUR 0.25) comprising RON 1 (court fee) and	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	-

			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	The costs may vary according to the translation contract, or, if the translation is performed by an	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

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.	authorised translator at the court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid.	State A = Romania		
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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

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Case Study	Lawyer		Bailliff			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) Bailliff'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) Bailliff'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	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)

		time spent in court may also be recovered (depending on sources of income – e.g. employment contract etc)	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 other costs that should be reimbursed?
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 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 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. 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.	NO
Case B	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 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 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. 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.	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 documents drafted by specialised court personnel (clerks), the photocopying costs (varying between EUR	-	Yes	Costs are provided for in the mediation contract, as agreed by the parties and the mediator

		0.05 and EUR 1.25 per copy) must be paid			
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

	Legal Aid
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Case study			
	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	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	The costs may vary according to the translation contract or, if the translation is performed by an authorised translator at the	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

document translated into Romanian, the court may request the translation of the document by an authorised translator.	court's request, a fee of RON 33.56 (approximately EUR 8) per page in A4 format should be paid			
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