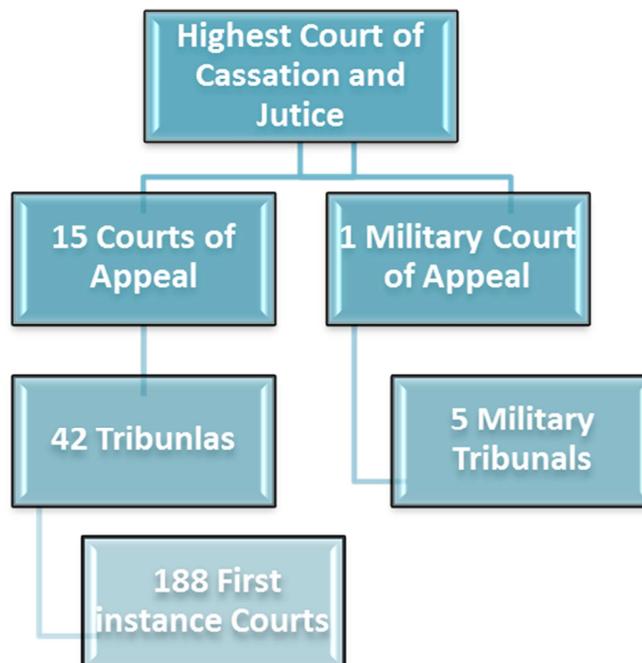




Autor: Mag. Mihaila Raluca
raluca.cristina.mihaila@nhp.ro
www.nhp.ro

THE COURT SYSTEM IN ROMANIA

Organized by the Law no. 304/2004 regarding the judicial organization, the judicial system in Romania is structured in the form of a pyramid. On the top of the pyramid is the Highest Court of Cassation and Justice, next the Appeal Courts and Military Court of Appeal, Tribunals, specialized tribunals, Military tribunals and on the bottom of the pyramid, the First instance courts.



Please see the end of the documents for the stages of appeal.

⚖ **The First instance Courts** (*Judecatoria*) are under the jurisdiction of the Tribunals and are situated in the major cities of Romania. Nowadays there are 188 Courts. They have general competence to judge every case that is not expressly sent by law under the jurisdiction of another Court (e.g. Every claim higher than 200.000 RON is judged in the first instance by the Tribunal; All insolvency claims are judged in the first instance by the Tribunal). A decision given by the courts of first instance may be challenged in appeal at the next court level.

⚖ **The Tribunals** (*Tribunalul*) are organized in every district of Romania and one is in Bucharest and are under the jurisdiction of the Courts of Appeal.. There is a total of 42 Tribunals. The Tribunals are competent to judge in first instance, appeal and second appeal.

⚖ **The Courts of Appeal** (*Curtea de Apel*) have under jurisdiction Tribunals, specialized tribunals and in present there are 15 Courts of Appeal situated in the major regions of the country.

The Courts of Appeal rule only as first appeal court (*Apel*) and second appeal court (*Recurs*) in civil matters. As first instance the Court is competent to rule in administrative matters involving central administrative bodies (e.g. Ministers) and in some criminal cases, prescribed by law.

⚖ **The Highest Court of Cassation and Justice** (*Inalta Curte de Casatie si Justitie - HCCJ*) is the supreme Court in Romania, with the headquarters situated in Bucharest. The Court is divided in three Sections (civil, criminal and administrative-tax litigations), a five judge Panel and the United Section.

The HCCJ judges only as a second appeal court. The Court is also competent to judge on appeals in the interest of law - concerning legal matters differently solved by the courts and gives preliminary decisions unraveling legal interpretation of unclear norms.

Trial stages

As a general rule, every claim goes through 2 trial stages: first instance and appeal (ordinary remedies). A second appeal (extraordinary remedy) can be only introduced on matters of law, in expressly stipulated cases.

There are also types of claims that are judged only in the first instance and second appeal instance (e.g. claims judged in the first instance by the Court of Appeal). Eventually there are special procedures (e.g. payment ordinance) where against the first instance decision the parties can introduce just a contestation for annulment.

In the first instance the claim is judged by one judge, in appeal there are two judges, in second appeal there are three judges. The contestation for annulment is judged by one judge.

Not at least, besides the second appeal there are two more extraordinary remedies: general contestation for annulment (not to be confused with contestation for annulment in case of payment ordinance) and revision. This two remedies challenge a decision given in the second appeal, in expressly by the law stipulated cases.

Regarding the territorial competence, as a general rule, the claims must be filed at the competent court where the defendant is domiciled or has its headquarters.

The Civil Procedural Code provides also special competence norms in different cases (e.g. in real estate cases, competent to rule is the court where the building or the land is situated, in insurance cases the court where the insured person has the domicile).

Where the law provides alternative territorial competence between different Courts, the parties can choose the competent Court.

We always advise our clients, to discuss and establish with their business partners, which will be the competent Court in case of litigation.

A civil claim under 200.000 RON



A civil claim higher than 200.000 RON



An administrative claim judged in the first instance by the Court of Appeal



**For further information on this aspect and any other questions please feel free to contact:
Mag. Raluca Mihaila L.L.M. raluca.cristina.mihaila@nhp.ro.**