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**Published in: The Dispute Resolution Review 2010**  
**Written by: Levana Zigmund**  
**Article link:**

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**Publisher:** [Law Business Research](#)

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Disputes in Romania are settled in court in the vast majority of cases, under procedures regulated mainly by the Civil Procedure Code ('CPC'). The CPC is undergoing extensive revision, with the draft of a new Civil Procedure Code being approved by the government in March 2009 after public debate. The commentary below takes into consideration the procedures as currently in force. A brief outline of the main amendments proposed by the draft of the new Civil Procedure Code will be included in the last section.

The judicial system in Romania comprises:

- local courts;
- tribunals;
- courts of appeal (there are 15 courts of appeal in Romania, the largest being Bucharest Court of Appeal, with 23 local courts and six tribunals); and
- the High Court of Cassation and Justice, Romania's supreme court.

The system is designed to ensure a double-level jurisdiction, with local courts and tribunals acting as first instances depending on the nature and value of the litigation, while the courts of appeal deal with first or final appeals. The High Court of Cassation and Justice acts exclusively as a court of last resort, also settling exceptional procedural incidents (such as motions to relocate trial for legitimate suspicion) and the final appeal in the interest of the law, an extraordinary challenge filed by the General Prosecutor or the colleges of the courts of appeal seeking to obtain a decision, binding for all inferior courts, to unify practice on certain matters. Such decisions are published in the Official Gazette of Romania.

Generally, courts are organised in divisions specialised by matter. With the number and specialisation of the divisions depending on the occurrence of specific cases, the structure of courts of the same level may vary largely. Since 2005, the law permits divisions within generalist tribunals to be severed and organised separately. Four such tribunals have been established to date (a tribunal for minors and family matters and three commercial tribunals).

With the number, range and complexity of disputes dramatically increasing in past years against the backdrop of economic growth and legislative changes, especially generated by Romania's accession to the EU on 1 January 2007, parties are increasingly having recourse to ADR procedures, especially arbitration, even though the vast majority of disputes are still adjudicated in courts. Mediation was only introduced in 2006 and its practice is undeveloped.

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