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Written by: Levana Zigmund
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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 ('the CPC'). The CPC has been recently amended by Law No. 202/2010 (the 'Little Reform Law'), a law expressly designed to introduce elements of procedural celerity in advance to the new Civil Procedure Code, which will replace the CPC entirely on 15 July 2011. The commentary infra takes into consideration the procedures as currently in force. A brief outline of the main amendments to be brought by new Civil Procedure Code will be included in the last section.

Early in 2010, in a press statement of 25 February 2010, the European Court of Human Rights ('the ECHR') announced the start of a pilot procedure concerning Romania's inability to set up an effective restitution and compensation mechanism of assets belonging to the victims of the former communist regime. The pilot procedure, a creation of ECHR jurisprudence, entails the identification of a recurring issue, rooted in the same type of legal setback, which causes the ECHR to be faced with a large number of similar claims, and allows the Court to single out one particular case as a landmark treatment of the Member State's legal quandary. As a result, the ECHR not only deals with the specific case at hand, but also designs a list of recommendations to eradicate the enduring problem that it has identified. All similar cases are then suspended, until the Member State's endorsement of legislative, budgetary or administrative measures purported to support the ECHR's guidance.

In advance to the 2011 entry into force of its new Civil Procedure Code, Romania undertook a partial reform of the CPC via the Little Reform Law, which adopts a set of amendments aimed at accommodating heavy ECHR critiques regarding the duration of trials and the enforceability of judgments. As expressly stated in its Statement of Reasons, the law is designed to limit the ways in which trial timeframes are most commonly extended in current practice, by putting forward a series of measures prescribed by the new Civil Procedure Code: (1) the possibility of superior courts to approve a restart of proceedings has been limited; (2) intervals between hearings have been shortened, with courts having the option to hear a given case on successive days; and (3) the law approves service of documents by fax, e-mail and telephone to increase the celerity of proceedings.

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