

Romania – Reform on the Enforcement of Judicial Decisions in line with ECHR

Romania has transformed its enforcement procedures since 2013. The New Code of Civil Procedure marked a watershed moment. These reforms addressed previous ECHR violations.

ECHR *Ciocodeica* case validated these improvements (no violation of Article 13). The presentation explores Romania's efforts towards compliance with ECHR standards.

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Historical Context: The Ruianu Case

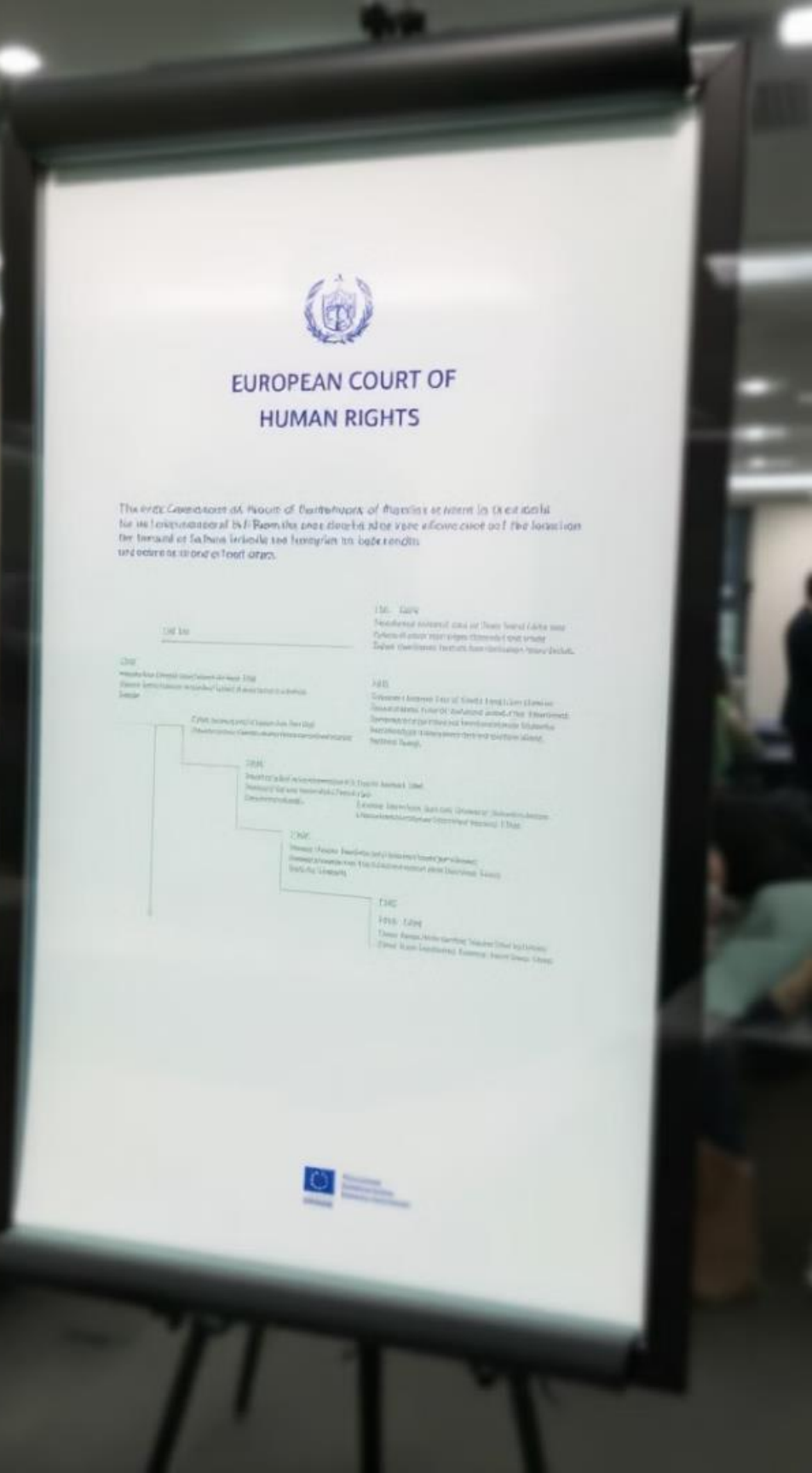
- 1 June 2003**

ECHR found a breach of Article 6 § 1 in the Ruianu v. Romania case due to authorities' failure to enforce a final court judgment ordering building demolition for over eight years.
- 2 2007-2014**

Ruianu judgment became a leading case for 18 subsequent repetitive cases where the ECHR found similar Convention violations.
- 3 Post-Ruianu**

General measures were implemented including translation and dissemination of the judgment, plus a new legal framework for execution proceedings introduced in 2013
- 4 November 2017**

The Committee of Ministers adopted a final resolution closing the supervision of the execution process in the Ruianu group of cases.



The New Civil Procedure Code (2013)

1 Predictable Enforcement

The Code regulates enforcement procedures in much more detail and rigor, imposing compliance with optimal and predictable terms in the enforcement phase (art. 6, paragraph 2).

2 Expanded Enforcement Scope

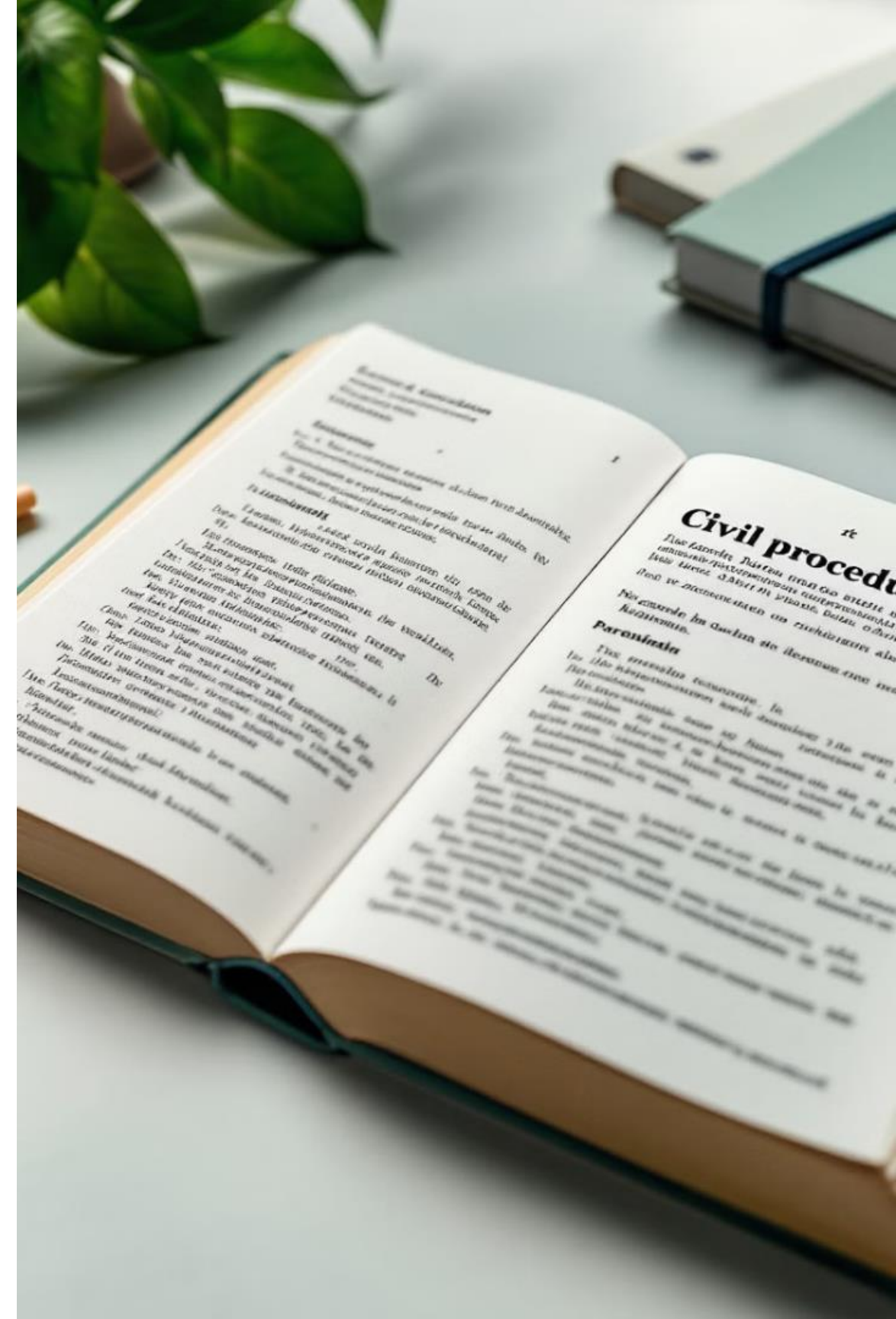
Allows enforcement of not only final judgments but, in certain cases, even non-definitive judgments to enable the realization of creditors' rights (art. 633, 448, 449).

3 Prevention of Dilatory Behavior

Rules prevent dilatory behavior by debtors through the inadmissibility of defenses when challenging enforcement (art. 713, paragraph 1 and 2).

4 Enhanced Authority Support

Introduced a legal basis for prosecutors, police, gendarmerie, and other law enforcement officers to support court decision enforcement.





Special Provisions for Vulnerable Parties

Flexible Procedures for Minors

The Code regulates a distinct, supple and flexible procedure regarding enforcement in cases involving minors (art. 910-914), which capitalizes precisely on ECtHR rulings in cases against Romania.

Public Judicial Aid

Government Ordinance no. 51/2008 regarding public judicial aid in civil matters facilitates creditor's access to the foreclosure procedure if they lack material means.

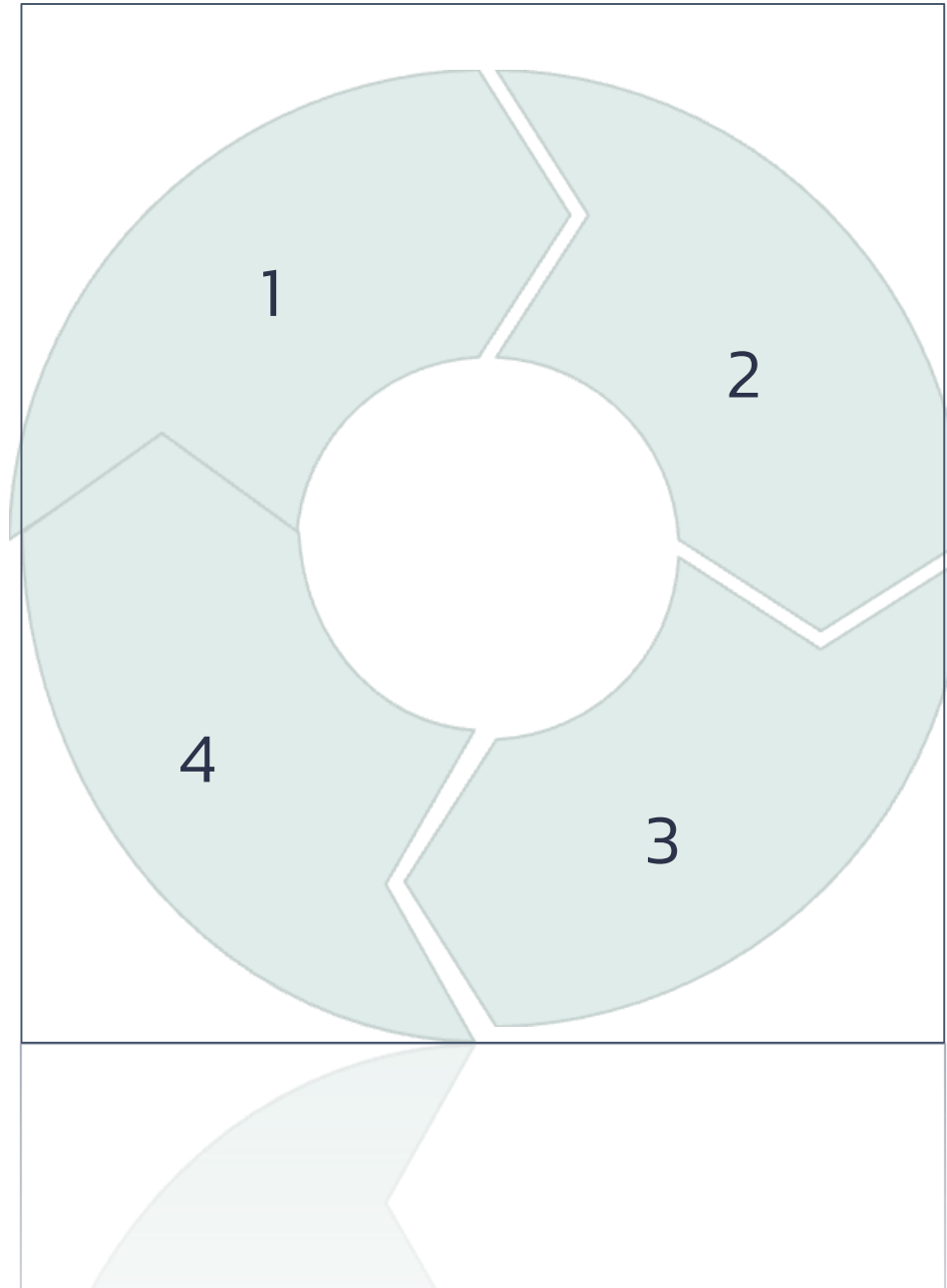
Enforcement Authority Accountability

Bailiff Regulation

The Code regulates in detail the role of the bailiff, including cases in which the/her can be challenged or replaced

Appeal Mechanisms

Law no. 199/2022 amended regulations regarding appeal mechanisms against trial delays, applicable in the enforcement phase for resolution of enforcement incidents.



Fee Transparency

Bailiffs cannot condition the execution of court decisions on advance payment of fees (Law no. 188/2000, art. 39, paragraph 3), and maximum fees are established by Ministerial Order no. 2550/2006.

Sanctions for Delays

Sanctions are provided for persons, including bailiffs, who postpone or delay enforcement (art. 189-190), with potential criminal reporting for facts impairing enforcement.



Recent Developments



HCCJ Decision 50/2024

Supreme Court issued a Decision for the unitary interpretation of the law, determining that enforcement courts can determine not only legal interest rates, but also contractual delay damages.



Draft Legislation

A draft law aims to eliminate the procedure for approving enforcement by the court when dealing with titles represented by court decisions, potentially shortening the process.



Bailiff Law Reform

Steps are being taken to amend Law no. 188/2000 on bailiffs, regarding the quality of the recruitment and selection procedures for members of the profession, and the training of bailiff.

National jurisprudence regarding the term of maximum 3 days from the registration of the application, in which the bailiff will request the declaration of execution by court: failure to comply does not harm the right of the creditor, but may lead to disciplinary measures.



Registration of the creditor application.

The Bailiff submits the application in 3 days.



Declaration of enforcement

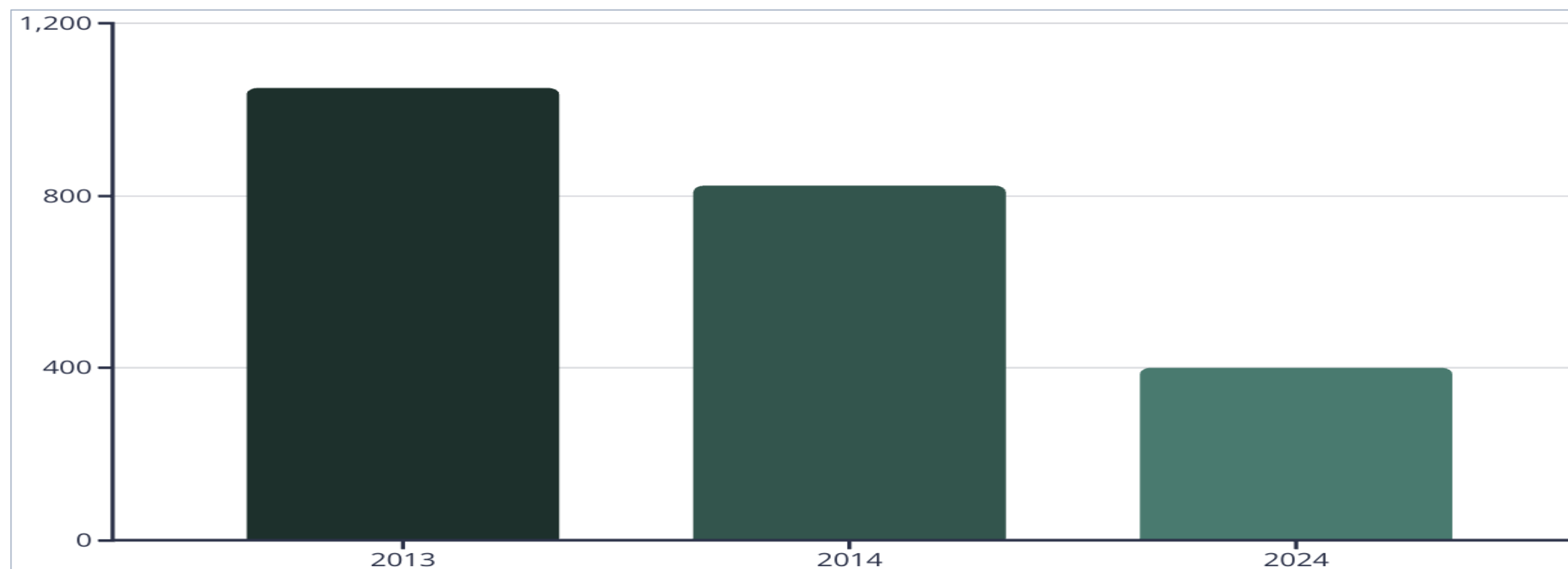
The court authorizes the execution.



Disciplinary liability

Possible sanctions for non-compliance.

Practical Impacts & Recent Developments



The legal legislative mechanisms validated by the ECHR in the Ciocodeica case are being effectively applied in practice. The number of complaints against bailiffs' refusals were reduced by more than half in the last decade, from 1051 complaints in 2013 to 399 in 2024.

The challenge to enforcement has proven to be an effective remedy according to Article 13 ECHR. These improvements demonstrate Romania's commitment to addressing previous shortcomings and ensuring compliance with ECHR standards.

Thank you for your attention!



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