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Research

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 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.

Recent years have witnessed numerous and important changes in local jurisprudence to accommodate and apply European norms, sometimes under the pressure of decisions passed by the European Court of Human Rights, and in line with the evolving legislation. Efforts to reduce excessive formalism and expedite civil court procedures have been noticeable.

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