

Legal Bulletin



Litigation

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Recent amendments regarding judicial stamp fees

Government Emergency Ordinance No. 80 dated June 29th, 2013 regarding judicial stamp fees (“GEO No. 80/2013”) has been published in the Romanian Official Gazette No. 392 dated June 29th, 2013.

GEO No. 80/2013 stipulates that any claims and applications addressed to courts of law, Ministry of Justice and Public Prosecutor’s office attached to the High Court of Cassation must be accompanied by judicial stamp fees and specifies, among others, the manner of establishment of judicial stamp fees corresponding to appraisable and non-appraisable claims, to ordinary and exceptional means of appeal, to the payment manner of the judicial stamp fees, to the categories of claims, individuals of legal entities exempted from the payment of judicial stamp fees, to the enforcement of receivables having as object judicial stamp fees as well as to the restitution of judicial stamp fees. The entry into force of GEO No. 80/2013 triggers the abrogation of Law No. 146/1997 regarding the judicial stamp fees and Government Ordinance No. 32/1995 regarding the judicial stamp. Moreover, GEO No. 80/2013 amends Law No. 192/2006 regarding the mediation and the organization of the mediator’s profession and Government Ordinance No. 2/2001 establishing the legal framework for misdemeanours.

The following particularities of GEO No. 80/2013 represent novelty aspects with practical impact:

- With respect to appraisable claims, GEO No. 80/2013 introduces higher values of judicial stamps fees compared to the prior legal applicable framework only for claims having as object values up to RON 500 (therefore, higher values shall apply exclusively for the first tier of small value claims). For the other appraisable claims and applications, the new value of the judicial stamp fees does not exceed the values established through the prior applicable legal framework.
- In case of successive considerations, the judicial stamp fee is computed based on the value of the annual consideration, if the duration of the right is undetermined.

- With respect to non-appraisable claims, the general tendency was to increase the judicial stamp fees. In certain cases when, as per the prior legal applicable framework, some claims benefited from judicial stamp fee exemptions, GEO No. 80/2013 introduces judicial stamp fees. For example, claims of the establishment and granting moral damages for prejudices to an individual's honour, dignity or reputation, which were exempted from judicial stamp fees in compliance with the prior applicable legal framework, must be accompanied by a capped judicial stamp fee starting from June 29th, 2013. A similar provision has been stipulated with respect to misdemeanours. Therefore, the ones interested to file a complaint against the minutes ascertaining and sanctioning a misdemeanour or an appeal against a court decision pronounced in such a situation are under the obligation to pay a capped judicial stamp fee.
- Another amendment in relation to non-appraisable claims has been introduced by GEO No. 80/2013 and consists of a series of clarifications for eviction claims from immovable assets unrightfully used or occupied, which were not subject to a special legal framework in the past. Furthermore, with respect to claims for reversing the enforcement process, the newly adopted legal framework clarifies the manner of establishment of the judicial stamp fee at a capped value, as opposed to computing it considering the value of the claim, as some courts of justice used to proceed since this aspect was not regulated under the former Law No. 146/1997.
- In relation to the first appeal, GEO No. 80/2013 maintains the 50% percentage computed from the judicial stamp fee applied in the first court or from the fee owed considering the contested amount, depending on the non-appraisable or appraisable character of the initial claim.
- One of the dissimilarities introduced by GEO No. 80/2013 represents the differential judicial stamp fee applied to the second appeal, considering the grounds invoked, more precisely by establishing a capped fee for the grounds stipulated by Article No. 488 par. 1) points 1-7 of the New Civil Procedural Code and 50% of the fee owed based on the contested amount, for invoking a violation or a erroneous application of substantial law provisions. A similar capped fee is applied for second appeals filed with respect to non-appraisable claims.
- GEO No. 80/2013 distinctly establishes a capped judicial stamp fee for the case when the second appeal addresses the court decision's grounds.
- The claims and applications filed until June 29th, 2013 are subject to judicial stamp and their correspondent judicial stamp fees are applied under the law in force at the date of their submission before court.
- In accordance with the provisions of GEO No. 80/2013, its application shall be clarified in the future through the adoption of methodological norms by the Ministry of Justice and the Ministry of Public Finances.

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The lawyers in Țuca Zbârcea & Asociații have unrivalled experience in the practice of **Litigation and Arbitration**, dealing with contentious matters in various areas of practice. The firm's practice in litigation and arbitration has been consistently ranked first by reputed international legal publications, such as Legal 500.

The firm's litigation and arbitration practice group, comprising 40 lawyers, is one of the largest in the country, advising and representing clients at all levels of the local judicial system, from the lower courts to the High Court of Justice and Cassation, as well as in special proceedings in the Constitutional Court and in international or domestic courts of arbitration. Our lawyers have an in-depth working knowledge of various arbitration procedural rules, such as Rules of Arbitration of the Court of International Arbitration of the Chamber of Commerce and Industry of Romania, ICC, UNCITRAL and ICSID and have dealt with complex substantive law issues in specific litigation circumstances.

We have represented businesses, financial institutions, government agencies and individuals in a broad range of complex cases, including civil, commercial and corporate issues, joint ventures and related business disputes, intellectual property, banking and finance, tax issues, bankruptcy/liquidation and insolvency, insurance, labor, administrative law, maritime, real estate, criminal law (especially economic crimes), enforcement of domestic and foreign judgments and arbitral awards, governmental investigation, etc.



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