

The International Comparative Legal Guide to:

Litigation & Dispute Resolution 2009

A practical insight to cross-border Litigation & Dispute Resolution



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Romania

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I. LITIGATION

1 Preliminaries

1.1 What type of legal system has Romania got? Are there any rules that govern civil procedure in Romania?

Romania has a civil law system. The main regulations governing civil procedure are the Romanian Constitution, the Romanian Code of Civil Procedure (hereinafter "CCP"), Law No. 304/2004 concerning the judicial system ("**Law No. 304/2004**"), Law No. 146/1997 on judicial stamp taxes, Law No. 47/1992 on Constitutional Court and Law No. 188/2000 on court marshals. For certain areas of law, additional regulations apply.

1.2 How is the civil court system in Romania structured? What are the various levels of appeal and are there any specialist courts?

The Romanian civil court system consists of courts of law, the Public Ministry and the Supreme Council of Magistrature.

The structure of the courts of law is the following:

- first instance courts;
- tribunals (organised at the level of each county and of the city of Bucharest);
- courts of appeal (having legal capacity for the jurisdiction of a number of tribunals); and
- the High Court of Cassation and Justice (the "**High Court**").

As such, the Romanian legal system distinguishes between lower civil courts (first instance courts and tribunals) and higher civil courts (courts of appeal, High Court), determining jurisdiction by a dual mechanism that takes account of the value of the claim and of the types of cases.

Based on Law No. 304/2004, the following specialised sections or panels were set up with courts of law: (i) specialised sections or panels at the courts of first instance in order to settle cases involving minors and family matters; (ii) sections or panels at tribunals for civil cases, criminal cases, commercial cases, cases involving minors and family disputes, cases of administrative and fiscal disputes, cases regarding labour disputes and social insurance, as well as maritime and inland waterways sections; (iii) specialised sections or panels at courts of appeal for civil cases, criminal cases, commercial cases, cases involving minors and family disputes, cases of administrative and tax disputes, cases regarding labour disputes and social insurance and maritime and domestic waterways sections; and (iv) four sections established within the High Court

for civil and intellectual property cases, criminal cases, commercial cases and cases of administrative and fiscal disputes. Specialised panels and sections for minors and family matters, as well as specialised tribunals for minors and family matters are to settle offences committed by/against minors.

1.3 What are the main stages in civil proceedings in Romania? What is their underlying timeframe?

The main stages in Romanian civil proceedings are: the first instance; the appeal (except for certain categories of court decisions, expressly provided by law); and the second appeal. The second appeal may be filed with regard to court decisions which may not be appealed by the parties upon settlement of case by a first instance court, or upon decisions rendered in the appeal or upon other decisions in cases provided by law.

The appeal and the second appeal may be filed in principle within a 15-day term as of the date when the court decision subject to be challenged was communicated to the parties.

1.4 What is your local judiciary's approach to exclusive jurisdiction clauses?

Where one or more of the parties is domiciled in an EU Member State, regard must be had to EC Regulation No 44/2001 on Jurisdiction and the Recognition and Enforcement of Judgments (hereinafter the "**Regulation**"). Under Article 23 of the Regulation, where the parties have agreed that the courts of a Member State shall have jurisdiction to settle disputes, then those courts have exclusive jurisdiction.

However, Article 27 of the Regulation provides that, in case there is a situation where proceedings involving the same cause of action are submitted before courts of different EU Member States, it is the courts of the country in which the proceedings are first brought which must decide whether they have jurisdiction. Until those courts have decided whether they have jurisdiction, the courts of any other Member State in which proceedings have also been submitted for settlement shall adjourn their proceedings.

1.5 What are the costs of civil court proceedings in Romania? Who bears these costs?

The costs of civil proceedings are composed of stamp taxes (*Romanian: "taxe de timbru" and "timbru judiciar"*), attorney fees and appraisal fees. Stamp taxes apply to all requests, claims, documents and services addressed to the courts.

When submitting his initial claim, the claimant must pay a stamp

tax calculated under Law No. 146/1997, as follows:

- a) for claims having a monetary content: the tax shall be determined in accordance with the value of claim; or
- b) for claims which do not have a monetary content, the tax has a fixed value.

The sanction in case the claimant does not comply with the obligation to pay such stamp taxes is the annulment of the claim by court order.

The stamp taxes for the defendant's counterclaim, the request for intervention of a third party and the warranty claim shall be determined based on the same criteria as the claimant's pleadings.

The party whose claim was rejected or against whom the court decision was rendered shall bear the litigation costs, upon request of the winning party.

1.6 Are there any particular rules about funding litigation in Romania? Are there any contingency/conditional fee arrangements? Are there rules on security for costs?

Under the general rule, payment of the legal fees is required. However, certain categories of claims or persons are exempted from such payment obligations, as follows: claims related to labour issues; allowances, damages for bodily harms; adoption; copyrights etc. As regards the entities benefiting from the above mentioned exemptions, these include the tutelary authority in matters related to family law, public attorneys, labour unions, consumers' protection agencies etc.

Contingency/conditional fee arrangements are not permitted under Romanian civil law.

General rules apply on security for costs, e.g. an attorney may ask its client for a deposit covering the litigation costs.

2 Before Commencing Proceedings

2.1 Are there any pre-action procedures in place in Romania? What is their scope?

Prior to submitting with the court a commercial monetary claim, the claimant has the obligation to attempt the amicable settlement of such claim by direct reconciliation. The claimant shall communicate to the other party an invitation for reconciliation informing such party of his claims and their legal ground as well as all supporting documents. The date for reconciliation shall be established no sooner than 15 days as of the date when the defendant received the documents from the claimant.

2.2 What limitation periods apply to different classes of claim for the bringing of proceedings before your civil courts? How are they calculated? Are time limits treated as a substantive or procedural law issue?

The limitation period for bringing the proceedings before the civil courts is treated as a substantive law issue. The statute of limitation, i.e. the term within which the creditor may request from the debtor the performance of its obligation, is governed by the provisions of Decree No. 167/1958 ("**Decree No. 167/1958**"), which provides that the general limitation period for payment obligations is 3 (three) years as of the date when the payment obligation became due for patrimonial claims and of 30 (thirty) years for claims on real property subject to limitation. However, the law expressly provides for certain exceptions, such as certain claims on real property, which are not subject to statutes of limitation.

Under the general rule, the limitation periods are calculated beginning with the date when the right to claim arises. However, for certain categories of claims the law provides for special rules regarding the moment when the limitation periods begin, that is: claims related to rights under a suspensive condition or suspensive term; or claims related to civil liability for unlawful acts, etc.

Please be advised that the limitation periods are established by law and, therefore, such periods may not be amended by the creditor and the debtor, under the sanction of absolute nullity of such arrangements.

3 Commencing Proceedings

3.1 How are civil proceedings commenced (issued and served) in Romania? What various means of service are there? What is the deemed date of service? How is service effected outside Romania? Is there a preferred method of service of foreign proceedings in Romania?

When receiving the claimant's pleadings, the court shall establish the first hearing date and shall resolve on the summoning of both parties.

The service of process is mandatory for the legality of the proceedings, except for the cases when the law expressly provides otherwise. In case a party attended the proceedings, it shall not be summoned for any of the subsequent hearings, based on the presumption that it has acknowledged such hearings.

As regards the service of proceedings, the following methods are used by the court:

- personal service, whereby court officers personally deliver the documents to the claimant/defendant, who shall sign the receipt confirmation;
- substituted service, if the individual party to be served is unavailable for personal service, the court agent shall draft minutes attesting to the delivery or refusal of receipt; or
- service by publication with the court and with the Romanian Official Gazette or another wide circulation newspaper, in case, in spite of claimant's best efforts, the defendant's domicile could not be acknowledged.

The service outside Romanian jurisdiction is performed by means of postal delivery or by any other means providing for confirmation of receipt. In case the defendant doesn't have his domicile or residence in Romania, he shall be informed by the court that he has the legal obligation to choose a domicile in Romania for performance of the service of proceedings and in case of non compliance, the service shall be performed by means of postal delivery.

3.2 Are any pre-action interim remedies available in Romania? How do you apply for them? What are the main criteria for obtaining these?

The claimant is entitled to request the court to approve the establishment of precautionary measures, such as procedural measures ordered with regard to the debtor's assets either during the proceedings or at the enforcement stage, in order to ensure enforcement of the court decision.

Precautionary measures are: preventative attachment; judicial attachment; and preventative garnishment.

The existence of a pending proceeding is necessary in the case of preventative attachment and preventative garnishment. In the case of judicial attachment, the measure can be taken even if there is no pending proceeding.

3.3 What are the main elements of the claimant's pleadings?

The claimant's pleadings shall contain the following elements:

- a) name, address or domicile of the parties to the litigation (in case such parties are individuals) or name, headquarters, registration number from the register of commerce, fiscal sole registration number and bank account (in case the parties are companies);
- b) name and capacity of the person representing the party before court and in case such person is a lawyer, his name and professional headquarters;
- c) the scope of claim and an estimation of its value, if such estimation is possible;
- d) the arguments of the claim;
- e) the evidence supporting the claim, such as written, testimony of parties, witnesses; and
- f) the claimant's signature.

The lack of the elements contemplated under items a), c) and f) shall be sanctioned with the annulment of the claim.

3.4 Can the pleadings be amended? If so, are there any restrictions?

The claimant may request the court to postpone the hearings in order to amend the pleadings. However, in case the amendments refer to typing errors, the increase or decrease of the value of the claim, the monetary amount representing the value of the perished or lost good or in case the claimant replaces the object of the claim, the pleadings shall not be deemed as modified.

4 Defending a Claim

4.1 What are the main elements of a statement of defence? Can the defendant bring counterclaims/claim or defence of set-off?

The statement of defence shall include: the procedural pleas; the answer to the arguments raised by the claimant in his claim; the evidence against the claimant's request; and the defendant's signature.

In case the defendant has certain claims against the claimant related to the claimant's pleadings, he shall be entitled to file such counterclaim.

4.2 What is the time-limit within which the statement of defence has to be served?

The statement of defence has to be filed five days prior to the date of the first hearings.

4.3 Is there a mechanism in your civil justice system whereby a defendant can pass on liability by bringing an action against a third party?

In case the defendant holds an asset on behalf of a third party or exercises a right over an asset on behalf of a third party, the defendant shall have the right to indicate such party when being sued by a person claiming an ownership right over such asset.

The defendant is also entitled to file a warranty claim with regard to a third party, against whom he would be entitled to raise claims in case a claim would be rendered against him.

4.4 What happens if the defendant does not defend the claim?

Taking into account that the filing of the statement of defence is not mandatory, the court shall request the defendant on the date of first hearings to submit its defence pleas and to deliver the evidence supporting his defence.

4.5 Can the defendant dispute the court's jurisdiction?

The defendant may dispute the court's jurisdiction until the date of the hearing when the parties are able to submit their final arguments or until the end of the proceedings, depending on the type of disputed jurisdiction.

Courts shall issue a decision settling the disputed jurisdiction venue. The decision stating that a court is not competent to hear a case may be subject to appeal.

5 Joinder & Consolidation

5.1 Is there a mechanism in your civil justice system whereby a third party can be joined into ongoing proceedings in appropriate circumstances? If so, what are those circumstances?

Our legal system provides for the possibility for third parties to be joined in a pending litigation, under the form of:

- a) voluntary intervention, upon request of a third party to enter an ongoing litigation to defend a right of its own or to defend the right of a party already involved in such litigation; or
- b) forced intervention, upon grounded request of a claimant or defendant that a third party must join the litigation.

5.2 Does your civil justice system allow for the consolidation of two sets of proceedings in appropriate circumstances? If so, what are those circumstances?

Based on the CCP, the parties may request the consolidation of several litigations being submitted for settlement with the same court of law or with different courts of law, in case there is a tight connection between such litigations. The consolidation may also be made *ex officio* by the judge.

5.3 Do you have split trials/bifurcation of proceedings?

The court may decide the split of the proceedings, in case the court establishes that the proceedings would be delayed due to the filing of an intervention claim or counterclaim.

6 Duties & Powers of the Courts

6.1 Is there any particular case allocation system before the civil courts in Romania? How are cases allocated?

In Romania, the case allocation system is computerised, the cases being randomly allocated to a judge.

6.2 Do the courts in Romania have any particular case management powers? What interim applications can the parties make? What are the cost consequences?

The courts are entitled to exercise their powers in order to establish

the scope of claims, based on submitted evidence, or to decide upon the interim applications of the parties and to render the final decision. The parties are entitled to make interim applications as regards the requests mentioned under question 5.1 herein, to raise pleas regarding procedural issues and pleas on the merits, to submit requests for the approval of evidences supporting the claims, etc.

6.3 What sanctions are the courts in Romania empowered to impose on a party that disobeys the court's orders or directions?

Based on the CCP, the following sanctions may be decided by the court in case a party disobeys the court's orders or directions: financial sanctions; disciplinary sanctions; the party's obligation to recommence the procedure if not complying with the court's orders or directions in a certain delay; and the obligation to indemnify the party who incurred damages as a result of the non observance of the legal provisions when performing a certain procedural action.

If the orders or directions given by the courts are refused to be enforced, absent legal grounds, the opposing party may be sentenced by court to 6 months to 3 year's imprisonment. A 5-year sentence may be issued in case such party employed violence when opposing the court order or direction.

6.4 Do the courts in Romania have the power to strike out part of a statement of case? If so, in what circumstances?

Under Romanian law, the Romanian courts do not have the power to strike out part of a statement of a case.

6.5 Can the civil courts in Romania enter summary judgment?

The Romanian law provides for the summary judgment procedures in certain cases, such as injunction motions, debt recovery and evidence preservation.

6.6 Do the courts in Romania have any powers to discontinue or stay the proceedings? If so, in what circumstances?

The adjournment of the proceedings may be decided by the court in one of the following cases:

- a) voluntary adjournment: in case both parties request the adjournment or in case none of the parties present themselves before the court at the hearings, except for the case when the parties requested in writing that the settlement of the case should be performed in their absence;
- b) mandatory legal adjournment: in certain cases provided by law, the court has the obligation to decide upon the adjournment of proceedings; or
- c) suppletory legal adjournment: the court may adjourn the proceedings: (i) in case the settlement of the case file depends on the existence or non existence of a certain right submitted for settlement in another case file; (ii) when criminal prosecution was commenced for a criminal offence influencing the decision subject to being rendered; or (iii) when the claimant did not submit the evidence requested by court.

7 Disclosure

7.1 What are the basic rules of disclosure in civil proceedings in Romania? Are there any classes of documents that do not require disclosure?

The general rule of the CCP is that all documents to which reference is made in the pleadings must be attached to the claim when it is registered with the court. The same rule applies to the defendant's written motion of defence.

Disclosure is settled by the CCP as a procedure during a lawsuit when a party can be forced by court to reveal a document.

A petition requesting the opponent party to disclose a document cannot be rejected by court if:

- it refers to a document signed by both parties;
- the party who must reveal the document referred to such during the lawsuit; or
- it is forced by law to reveal that document.

The court can order the inspection of the party's files, in case such party is supposed to be harbouring/hiding a certain document.

If a party refuses to reveal a certain document, the court may deem such behaviour as an admission regarding the content of such document.

7.2 What are the rules on privilege in civil proceedings in Romania?

According to the CCP, the court must preserve confidentiality and not admit a claim for disclosure of written evidence, in case such refers to:

- personal issues;
- issues which cannot be revealed because of the duty of confidentiality; or
- issues which are detrimental to the party or to other persons and which can attract a criminal investigation against them.

7.3 What are the rules in Romania with respect to disclosure by third parties?

Disclosure of written evidence performed by a third party is possible under the provisions of CCP, provided the court orders such disclosure.

The rules mentioned under question 7.2 on preservation of confidentiality apply.

7.4 What is the court's role in disclosure in civil proceedings in Romania?

In the disclosure procedure ruled by the CCP, the court can issue an order to a party or to a third party to reveal a document.

7.5 Are there any restrictions on the use of documents obtained by disclosure in Romania?

There are no restrictions on the use of documents obtained by disclosure, provided such disclosure does not harm confidentiality undertakings assumed under question 7.2 herein.

8 Evidence

8.1 What are the basic rules of evidence in Romania?

There are two types of rules regarding the evidence.

The first type of rule concerns the admissibility of the evidence and the second the way the pieces of evidence are administered by the court.

In order to be admitted in a lawsuit, evidence must be (i) legally claimed (a legal foundation for that specific lawsuit is required), (ii) relevant to the issue, (iii) plausible, and (iv) conclusive and permitted under applicable law.

The judge can examine all pieces of evidence lawfully submitted for the court's attention and is free to decide on the merits and relevance of such pieces of evidence.

Evidence must be administered in front of the court.

Regarding the power of the pieces of evidence, there are no rules establishing which have more power than others, so the judge can examine all pieces of evidence freely.

8.2 What types of evidence are admissible, which ones are not? What about expert evidence in particular?

There are five classes of evidence admitted by the CCP: documentary (written) evidence; witness statements; parties' testimonies; expert evidence; and inspection reports, whereby the documentary (written) evidence, witness statements and the expert evidence are the predominant sources of evidence.

As regards the parties' testimonies, the CCP provides that if the party, in the absence of a grounded reason, refuses to answer to the examination or refuses to appear in front of the court to testify, the judge may consider such behaviour a frank admission or evidence on behalf of the other party.

The scope of the expert evidence and inspection reports is to assist and help the court in determining the issues in dispute or to furnish the court with scientific information which is likely not to be in the court's competence. The expert's evidence must clearly identify the facts and/or assumptions on which the opinion of the expert was based. Under the provisions of the CCP, the parties may have their own experts, as consultants.

8.3 Are there any particular rules regarding the calling of witnesses of fact? The making of witness statements or depositions?

As the witness must attend the court hearing, a summons must be issued in this regard.

Witness statements are under oath according to the CCP. Each witness is examined separately, in the absence of the other witnesses. The witness is first questioned by the judge about all the facts he knows related to the case. After that, the parties can ask further questions separately. Witness statements are noted down by the court clerk in a report, which is signed by the witness, the judge and the court clerk. If the witness does not want to sign or cannot sign, the court clerk will mention this aspect at the end of the statement. Such statement will be signed only by the judge and the court clerk.

8.4 What is the court's role in the parties' provision of evidence in civil proceedings in Romania?

In the Romanian civil law system, the court has an active role in the parties' provision of evidence. The court is entitled to propose and administer all pieces of evidence which the court considers to be relevant for solving the case.

9 Judgments & Orders

9.1 What different types of judgments and orders are the civil courts in Romania empowered to issue and in what circumstances?

The judgments of the Romanian civil courts are divided into the following types:

- final judgments, divided in two categories: first instance judgments (*Romanian: "sentinta"*); and appeal or second appeal judgments (*Romanian: "decizie"*);
- non-final judgments, which decide on incidental or preliminary matters (*Romanian: "incheiere"*); or
- injunctions (by which a party is required to perform or to restrain from performing a particular act for a certain amount of time).

Orders of payment in connection with civil or commercial debts are also issued under the form of a final judgment.

9.2 What powers do your Romania have to make rulings on damages/interests/costs of the litigation?

Local courts have full power to make rulings on damages/interests/costs of the litigation. For example, the power of the courts for making rulings on damages is grounded on the provisions of the Romanian Civil Code. The interests are payable on all money judgments from the day the cause of action arose. The rate of interests is applied by the court according to the provisions of the contract (if the cause of the action arose from a contract) or according to the statute (if the contract is without penalties or when the cause of the action does not arise from a contract). The Government Ordinance No. 9/2000 establishes rules concerning the interests in civil and commercial contracts and introduces the term of legal interests (which is used when the parties establish interests but do not establish the rate of interests). Regarding legal costs, the CCP establishes the principle by which the party who lost the case will be ordered to pay all the costs of the litigation, including legal fees incurred by the winning party. However, the court has the right to increase or decrease the costs consisting of the lawyer's fee.

9.3 How can a domestic/foreign judgment be enforced?

Domestic final judgments can be enforced on the basis of a certified copy of the enforcement order given by the presiding judge of the court which issued the judgment in the first instance stage.

If the party which lost the litigation does not comply with the judgment, such party can be forced to comply under the authority of a court marshal.

Regarding foreign judgments, if a judgment was rendered by a court of an EU Member State where the Brussels Convention applies, the enforcement of such foreign judgment in Romania is governed by the provisions of such Brussels Convention.

Regarding the non-EU judgments, Law no. 105/1992 regarding Private International Law is applicable, in case the international

conventions to which Romania is a party does not provide otherwise. The recognition and enforcement of such non-EU judgments is possible if the following cumulative conditions were met:

- (i) the judgment is final and enforceable in the country where it has been rendered and it was issued by a court that had such jurisdictional competence;
- (ii) there is reciprocity regarding the recognition and enforcement of court decisions between Romania and the country where the judgment has been rendered;
- (iii) the judgment is not fraudulently obtained;
- (iv) the judgment does not violate the principles of public order applicable in accordance with the Romanian law;
- (v) a Romanian court has not rendered a decision in the same matter prior to the date of submission of such foreign judgment; and
- (vi) the three-year term for performing of such enforcement has been upheld, unless otherwise provided.

9.4 What are the rules of appeal against a judgment of a civil court of Romania?

The CCP establishes the rule that only final judgments can be appealed, while non-final judgments can only be appealed together with the final judgment.

The appellant must file an appeal notice in which he should set out the grounds of the appeal. The grounds for an appeal may relate both to questions of fact, including the evaluation of evidence, and to questions of law.

The appeal notice is registered at the court which issued the final judgment. The appeal is settled by the next superior court.

The filing of an appeal notice must be made within 15 days as of the communication of the final judgment. In certain cases, such as divorce proceedings, the term is 30 days.

II. DISPUTE RESOLUTION

1 Preliminaries

1.1 What methods of dispute resolution are available and frequently used in Romania? Arbitration/Mediation/Tribunals/Ombudsman? (Please provide a brief overview of each available method.)

The most used method of dispute resolution in Romania is litigation before courts of law (see question 1.2 for details).

Arbitration is also an alternative method for the settlement of disputes and is used particularly in the business field. The CCP enables the parties to appoint the arbitrators.

Mediation is a new form of alternative dispute resolution (it appeared in Romania in 2006). Under mediation, parties have the possibility of solving in a short period of time minor disputes, without involving the courts of justice.

The institution of the Ombudsman (Romanian: "Avocatul Poporului") was founded in order to settle in an amiable way the disputes between individuals and the public administration, by mediation or dialogue. In 2008, the Ombudsman institution has reached a decade of existence.

1.2 What are the laws or rules governing the different methods of dispute resolution?

The CCP sets out the rules governing litigations and Law No. 304/2004 refers to the hierarchical organisation system of the courts and to the structure of the panel of judges.

Regarding arbitration, under the Decree Law No. 139/1990, the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania was reorganised as a permanent arbitration institution attached to the Chamber of Commerce and Industry of Romania, for the administration of international and domestic arbitration.

The Civil Procedure Code sets up the rules governing domestic and international arbitration (arts 340 - 370³) and was amended according with the UNCITRAL Regulations.

Romania is a party to the Geneva Conventions on Arbitration of 1923 and 1927, the New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards, the European Convention on Commercial Arbitration of 1961 and the Washington Convention on the Settlement of Investment Disputes between States and Nationals of Other States of 1965.

The mediation activity is regulated by the Law No. 192/2006 and the activity of the Ombudsman Institution is regulated by the Constitution and Law No. 35/1997.

1.3 Are there any areas of law in Romania that cannot use arbitration/mediation/tribunals/Ombudsman as a means of dispute resolution?

As a rule, the parties are entitled to settle by arbitration/mediation their patrimonial disputes, except for the disputes implying rights upon which the law allows no transaction. Exceptions are on certain cases, regulated by law, such as the employment disputes.

2 Dispute Resolution Institutions

2.1 What are the major dispute resolution institutions in Romania?

The major dispute resolution institutions in Romania are the courts of justice, as described by Law No. 304/2004, the Court of International Commercial Arbitration attached to the Chamber of Commerce and Industry of Romania, the courts of commercial arbitration attached to the Chamber of Commerce and Industry of each county and the mediation centres from each county.

2.2 Do any of the mentioned dispute resolution mechanisms provide binding and enforceable solutions?

Arbitral decisions are binding and enforceable. Arbitral decisions may be annulled if certain strict requirements are met, according to the provisions of the CCP.

Regarding the mediation procedure, the law does not allow the mediator to issue a decision which may be enforced by the parties. The parties solve their disputes by signing an agreement equivalent to a contract.

3 Trends & Developments

3.1 Are there any trends in the use of the different dispute resolution methods?

The growth in the use of arbitration proceedings is relevant and should be noted, as parties are more willing to rely on decisions issued by arbitrators, as in most cases, arbitrators are reputable practitioners of the law and arbitration proceedings are less time-consuming than litigations before courts of law.



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3.2 Please provide, in no more than 300 words, a summary of any current issues or proceedings affecting the use of those dispute resolution methods in Romania?

The growth in the number of litigation cases and the fact that the administration of litigation proceedings is so time-consuming makes arbitration a reasonable choice for commercial disputes. The same is also the case for civil disputes where mediation is beginning to be used more often to solve a dispute.



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