

Changes in the field of civil justice during the State of Emergency

On 16th March 2020 the President of Romania signed the Decree no. 195/2020 establishing a State of Emergency in the territory of Romania for a period of 30 days.

Considering the purpose of the Decree is the prevention of the spread of COVID-19 and the management of the consequences during the state of emergency the exercise of certain civil rights are restricted in the terms and conditions provided by the Decree.

Among the important measures adopted by the Decree are in the domain of public order, economics, health, labour and social protection and in the domain of foreign affairs. There are also numerous measures in the domain of justice.

We present below, in short, the measures that have been instituted respect of civil justice matters.

Thus, the statute of limitation is suspended throughout the period of the state of emergency. This will have consequences on cases where the time limit for bringing an action occurs during the period of the Emergency. Please note that the period is suspended not postponed.

Trial will continue only in cases of special urgency, not like for example in the United Kingdom where they are currently still continuing. The list of cases defined as special urgency is established by the relevant courts as specified in the Decree, and the Superior Council of Magistracy will give guidance in order to ensure a unified practice.

The Superior Council of Magistracy by the Decision no. 417 from 24th March 2020 has indicated the causes of which the judgment are not suspended, among which are measures regarding the protection of minors, the indictment of forced execution, precautionary measure, requests to suspend the enforcement of the judgments and any other requests that concern exceptional situations that can be considered of special urgency.

For the purpose of ensuring a quick trial of the cases considered urgent, the courts taking into account the new circumstances, can set short deadlines, including from one day to another or postpone hearings at the request of the parties or ex officio.

Furthermore, the court hearings which are considered urgent can be held by videoconference and the communication of the procedural documents will be carried out by fax, electronic mail or by other means that ensure the transmission of the text of the document and the confirmation of its receipt.

Also, the court may order upon request, the adjournment of the trials which were not suspended, in the case where the interested party is in isolation at home, quarantined or hospitalized in the context of the COVID-19 pandemic.

For the cases that are not considered urgent, the judgments are suspended in full and no procedural document is required. They will be resumed automatically when the state of emergency ceases when within 10 days, measures will be taken to fix the trial date and the parties will be summoned for trial on the new date.

As regards the time limits for exercising the remedies in the suspended civil trials according to the Decree, these are interrupted, and new terms of the same duration will run from the date of cessation of the state of emergency.

The enforcement activity continues only in cases where it is possible to comply with the health rules set out in the Decree.

As mentioned above, the purpose of the Decree is to prevent the spread of COVID-19 and to manage the consequences brought about by the State of Emergency. During the State of Emergency, the exercise of certain civil rights are restricted, in the terms and conditions as provided for by the Decree: Such rights are covered by the right of free movement, the right of private property, the right to family and private life, the inviolability of domicile, the freedom of assembly, the right to education, the right to strike and the economic freedom.

Public authorities and individuals, as well as the legal entities have the obligation to respect and apply all the measures established by the Presidential Decree and by the other ordinances issued by the Minister of Internal Affairs.

Should you require further information please do not hesitate to contact your normal representative of the Firm, or alternatively, send an email to enquiries@hammond-partnership.com and we will be pleased to advise and assist you.