

## Law no. 36/2012

on certain measures required to implement certain regulations and decisions of the Council of the European Union, as well as private international law instruments in the field of maintenance obligations

The Parliament of Romania adopts this Act.

### CHAPTER I General provisions

#### Purpose of regulation

Art. 1. – This Act is meant to establish rules that will facilitate the implementation of the following regulations and decisions of the Council of the European Union, as well as of private international law instruments, in the field of maintenance obligations:

a) Council Regulation (EC) No.4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, published in the Official Journal of the European Union L 7 of 10 January 2009, hereinafter referred to as the *Regulation (EC) No.4/2009*;

b) Council Decision 2009/941/EC of 30 November 2009 on the conclusion by the European Community of the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations, published in the Official Journal of the European Union L 331 of 16 December 2009, hereinafter referred to as the *Hague Protocol of 2007*;

c) Council Decision 2011/432/EU of 9 June 2011 on the approval, on behalf of the European Union, of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, published in the Official Journal of the European Union L 192 of 22 July 2011, hereinafter referred to as the *Hague Convention of 2007*.

#### The role of the Ministry of Justice as a Central Authority

Art. 2. - (1) The Ministry of Justice is the Romanian Central Authority designated under Art.49 of the Regulation (EC) No.4/2009, in relations with the Member States of the European Union.

(2) The Ministry of Justice is the designated Romanian Central Authority on grounds of Art.4 of the Hague Convention of 2007, in relations with third contracting States to the Hague Convention of 2007.

(3) The Ministry of Justice transmits to the European Commission the information in Art.70 and Art.71 of the Regulation (EC) No.4/2009, as well as those in Art.4 para.(3) and Art.57 of the Hague Convention of 2007.

(4) As the Romanian Central Authority, the Ministry of Justice cooperates with the central authorities of the Member States of the European Union or with international authorities

and collaborates with the law courts, judicial enforcement officers, lawyers, notaries, mediators, and any other Romanian institutions and authorities having competences in the implementation of the Regulation (EC) No.4/2009 and of the Hague Convention of 2007.

(5) The Ministry of Justice accepts, in addition to Romanian, the use of English and French in communications with the Central Authorities of the European Union or international ones, provided in Art.59 of the Regulation (EC) No.4/2009, and in Art.44 of the Hague Convention of 2007, other than those relating to maintenance application forms and applications for specific measures, extracts of decisions, court settlements and authentic instruments, as well as the supporting documents attached thereto.

## CHAPTER II

### Recovery abroad of maintenance

#### SECTION 1

#### *Recovery of maintenance in Member States of the European Union*

#### **Functions of the Ministry of Justice as a requesting, transmitting Central Authority in relations with Member States of the European Union**

Art. 3. - (1) The Ministry of Justice is the requesting transmitting Central Authority that carries out the international regularity check according to Art.58 para.(1) and (2) and transmits to Member States of the European Union the applications and requests in Art.53 and Art.56 of the Regulation (EC) No.4/2009, together with the necessary supporting documents provided in the contents of forms provided as Annexes No. V-VII of the Regulation (EC) No.4/2009.

(2) Upon receipt of the necessary supporting documents from a creditor or debtor and after the international regularity check, the Ministry of Justice fills out Part A of the following categories of applications or requests in the implementation of Regulation (EC) No.4/2009:

a) requests for specific measures, made under Art.53, provided at Annex No.V to the Regulation (EC) No.4/2009;

b) applications for recognition, declaration of enforceability or enforcement of a court decision in matters of maintenance obligations made under Art.56 para.(1) (a) and (b) and para.(2) (a), provided in Annex No.VI to the Regulation (EC) No.4/2009;

c) applications for establishment or modification of a court decision in matters of maintenance obligations, made under Art.56 para.(1) (c)-(f) and para.(2) (b) and (c), provided at Annex No. VII to the Regulation (EC) No.4/2009.

(3) Upon receipt of the supporting documents necessary and after the international regularity check, the Ministry of Justice may assist the creditor or debtor in filling out Part B of the following categories of applications in the implementation of

Regulation (EC) No.4/2009:

a) applications for recognition, declaration of enforceability or enforcement of a court decision in matters of maintenance obligations made under Art.56 and Art.57, provided at Annex No.VI of the Regulation (EC) No.4/2009;

b) applications for establishment or modification of a court decision in matters of maintenance obligations, made under Art.56 and Art.57, provided at Annex No.VII of the Regulation (EC) No.4/2009.

(4) The provisions of para.(1)-(3) do not prevent the party concerned from applying directly with the competent foreign authorities in the Member States of the European Union.

**The functions of law courts**

Art. 4. – The law courts are the competent authorities that issue, at the request of the party concerned, the supporting documents necessary for the recognition, declaration of enforceability or enforcement provided in Art.20, Art.28 and Art.48 of the Regulation (EC) No.4/2009, as provided in the Annexes No.I-IV of the same Regulation.

**Competence to issue extracts of court decisions, court settlements or authentic instruments under Art. 75 para.(2) of the Regulation (EC) No.4/2009 and for which the procedure of exequatur has not been eliminated**

Art. 5. - (1) For court decisions pronounced in Romania for which recognition and declaration of enforceability are requested in another Member State of the European Union, the competence to issue, according to Art.28 of the Regulation (EC) No.4/2009, the extract in Annex No.II of the same Regulation belongs to the initial court.

(2) In the event that, according to Art.48 of the Regulation (EC) No.4/2009, the recognition and declaration of enforceability are requested in another Member State of the European Union of an authentic instrument, enforceable under Romanian law, the competence to issue the extract in Annex No.IV of the same Regulation belongs to whoever issued that instrument.

(3) If the recognition and declaration of enforceability are requested in the territory of another Member State of the European Union of a decision pronounced by a Romanian court, under the law, to approve a court settlement, the competence to issue, under Art.28 and 48 of the Regulation (EC) No.4/2009, the extract in Annex No. II of the same Regulation belongs to that court.

**Competence to issue extracts of court decisions, court settlements or authentic instruments under Art.75 para.(1) of the Regulation (EC) No.4/2009 and for which the exequatur procedure has been eliminated in relations with a Member State of the European Union that has obligations under the Hague Protocol of 2007**

**Competence to issue the extract of court decision, court settlement or authentic instrument under Art.75 para.(1) of the Regulation (EC) No.4/2009 and for which the exequatur procedure has not been eliminated in relations with a Member State of the European Union that has no obligations under the Hague Protocol of 2007**

Art. 6. - (1) For court decisions pronounced in Romania that are enforceable under Romanian law and for which enforcement is requested in a Member State of the European Union that has obligations under the Hague Protocol of 2007, the competence to issue, according to Art.20 of the Regulation (EC) No.4/2009, the extract in Annex No.I of the same Regulation, belongs to the initial court.

(2) If according to Art.48 of the Regulation (EC) No.4/2009, enforcement is requested of an authentic instrument that is enforceable under Romanian law, in a Member State of the European Union that has obligations under the Hague Protocol of 2007, the competence to issue the extract in Annex No. III of the same Regulation belongs to whoever issued that instrument.

(3) If enforcement is requested in a Member State of the European Union that has obligations under the Hague Protocol of 2007, of a decision pronounced by a Romanian court, under the law, to approve a court settlement, which is enforceable under Romanian law, the competence to issue according to Art.20 and Art.48 of the Regulation (EC) No.4/2009, the extract in Annex No.I of the same Regulation belongs to that court.

Art. 7. - (1) In the event of a court decision pronounced in Romania, which is enforceable under Romanian law and for which recognition and declaration of enforceability are requested in a Member State of the European Union that has no obligations under the Hague Protocol of 2007, the competence to issue, according to Art.28 of the Regulation (EC) No.4/2009, the extract in Annex No.II of the same Regulation belongs to the initial court.

(2) In the event that, under Art.48 of the Regulation (EC) No.4/2009, the recognition and declaration of enforceability are requested of an authentic instrument which is enforceable under Romanian law, in a Member State of the European Union that has no obligations under the Hague Protocol of 2007, the competence to issue the extract in Annex No.IV of the Same Regulation belongs to whoever issued that instrument.

(3) If recognition and declaration of enforceability are requested in a Member State of the European Union that has no obligations under the Hague Protocol of 2007, of a decision pronounced by a Romanian court, under the law, to approve a court settlement, which is enforceable under Romanian law, the competence to issue, according to Art.28 and Art.48 of the Regulation (EC) No.4/2009, the extract in Annex No.II of the same Regulation belongs to that court.

## SECTION 2

## **Recovery of maintenance in third contracting States to the Hague Convention of 2007**

### **Functions of the Ministry of Justice as a requesting, transmitting Central Authority in relations with third contracting States to the Hague Convention of 2007**

Art. 8. - (1) The Ministry of Justice is the requesting, transmitting Central Authority that carries out the international regularity check according to Art.12 para.(1) and transmits, to third contracting States to the Hague Convention of 2007, the applications and requests in Art.7 and Art.10 of the Hague Convention of 2007, together with the necessary supporting documents.

(2) The requests or applications and the necessary supporting documents enclosed are transmitted by the Ministry of Justice along with the transmission form provided in Annex No.1 to the Hague Convention of 2007.

(3) Upon receipt of the applications and supporting documents enclosed by the party concerned and after the international regularity check, the Ministry of Justice may check and transmit the following categories of applications for maintenance, as well as the necessary supporting document enclosed, to the extent that such applications are desired to be drawn up, as chosen by the creditor, according to the model forms recommended and published by the Hague Private International Law Conference and provided as Annexes A, B, C and D:

a) application for recognition or recognition and enforcement, made under Art.10 para.(1) (a) and para.(2) (a) and Art.30 of the Hague Convention of 2007, provided as Annex A;

b) application for enforcement of a decision made or recognised in the requested State, made under Art.10 para.(1) (b) of the Hague Convention of 2007, provided as Annex B;

c) application for the establishment of a decision, made under Art.10 para.(1) (c) and (d) of the Hague Convention of 2007, provided as Annex C;

d) application for modification of a decision, made under Art.10 para.(1) (e) and (f) and para.(2) (b) and (c) of the Hague Convention of 2007, provided as Annex D;

e) for each category of applications or for several categories of applications, the financial status report provided as Annex E.

(4) The Ministry of Justice may certify and transmit, after the international regularity check, the following categories of necessary supporting documents, to the extent that such applications are filled out by the court, as chosen by the party concerned, according to the model forms recommended by the Hague Private International Law Conference and provided as Annex A:

a) extract of a decision, issued under Art.25 para.(3) (b) of the Hague Convention of 2007;

b) a document stating that the decision is enforceable,

issued under Art.25 para.(1) (b) of the Hague Convention of 2007;

c) a document certifying notification, issued under Art.25 para.(1) (c) of the Hague Convention of 2007.

(5) Paragraphs (1)-(4) do not prevent the party concerned from applying directly with the competent foreign authorities.

**Competence to issue the extract of decision and court settlement for which the exequatur procedure has not been eliminated, according to Art.23 of the Hague Convention of 2007, in relations with a third contracting State to the Hague Convention of 2007**

Art. 9. - (1) For court decisions pronounced in Romania for which recognition and enforcement is requested in a contracting State to the Hague Convention of 2007, the competence to issue, according to Art.25 para.(3) (b) of the Hague Convention of 2007, the extract of the decision, according to the model form recommended by the Hague Private International Law Conference, provided as Annex A, belongs to the initial court.

(2) If recognition and enforcement are requested in a contracting State to the Hague Convention of 2007 of a decision pronounced by a Romanian court, under the law, to approve a court settlement, the competence to issue, according to Art.25 para. (3) (b) of the Hague Convention of 2007, the extract of the decision, according to the model form recommended by the Hague Private International Law Conference, provided as Annex A, belongs to that court.

**Competence to issue the certificate of enforceability of the decision, court settlement or authentic instrument for which the exequatur procedure has not been eliminated, according to Art.23 of the Hague Convention of 2007 in relations with a third contracting State to the**

Art. 10. - (1) For court decisions pronounced in Romania the recognition or enforcement of which is requested in a contracting State to the Hague Convention of 2007, the competence to issue, according to Art.25 para.(1) (b) of the Hague Convention of 2007, the certificate of enforceability, according to the model form recommended by the Hague Conference of Private International Law and provided in Annex A, belongs to the initial court.

(2) Where, according to Art.30 para.(3) (b) of the Hague Convention of 2007, the recognition or enforcement of an authentic instrument is requested that is enforceable under Romanian law, in a contracting State to the Hague Convention of 2007, the competence to issue the certificate of enforceability belongs to whoever issued that instrument.

(3) If recognition or enforcement is requested in a contracting State to the Hague Convention of 2007, of a decision pronounced by a Romanian court, under the law, to approve a court settlement, the competence to issue, under Art.25 para.(1) (b) of the Hague Convention of 2007, the certificate of enforceability, according to the model form recommended by the Hague Conference of Private

**Hague  
Convention of  
2007**

International Law and provided in Annex A, belongs to that court.

**CHAPTER III  
Recovery of maintenance in Romania**

*SECTION 1*

**Common provisions regarding the receipt of requests and applications from abroad**

**Functions of the  
Ministry of  
Justice as the  
requested,  
receiving  
Romanian  
Central  
Authority**

Art. 11. - (1) The Ministry of Justice is the requested, receiving Central Authority that has been designated to receive:

a) requests for specific measures under Art.53 and maintenance applications under Art.56 of the Regulation (EC) No.4/2009, together with the necessary supporting documents, provided in the Annexes No.V-VII to the Regulation (EC) No.4/2009;

b) requests for specific measures under Art.7 and maintenance applications under Art.10 of the Hague Convention of 2007, together with the necessary supporting documents, provided in Annex No.1 to the Convention.

(2) The Ministry of Justice confirms the receipt using the acknowledgement of receipt form, provided in:

a) Annex No.VIII to the Regulation (EC) No.4/2009, under Art.58 para.(3) of the Regulation (EC) No.4/2009;

b) Annex No.2 of the Hague Convention of 2007, under Art.12 para.(3) of the Hague Convention of 2007.

(3) If, based on the information or supporting documents sent according to para.(1), the request for specific measures or the maintenance application cannot be processed, the Ministry of Justice informs the foreign central authority in view of their supplementation.

(4) The Ministry of Justice may refuse to process or may order the cessation of processing of a request or application, and notify this to the transmitting central authority of:

a) the Member State of the European Union, according to Art.58 para.(8) and (9) of the Regulation (EC) No.4/2009, using the form in Annex No.IX to the Regulation (EC) No. 4/2009;

b) the third contracting State to the Hague Convention of 2007, according to Art.12 para.(8) and para.(9) of the Hague Convention of 2007, using the forms recommended by the Hague Conference of Private International Law regarding the status of processing of the request or application, which are provided at Annexes A, B, C and D.

(5) After receiving maintenance applications, requests for specific measures and necessary supporting documents enclosed and after performing the international regularity check, the Ministry of Justice sends them for processing

according to the category of application/request, to the authority or institution that holds the personal data, the competent territorial bar, the Chamber of Judicial Enforcement Officers or, as appropriate, to the competent law court.

(6) The Ministry of Justice sends information about the stage of processing of the application/request to the requesting central authority of:

a) a Member State of the European Union, according to Art.58 para.(4) and para.(5) of the Regulation (EC) No.4/2009;

b) a third contracting State to the Hague Convention of 2007, according to Art.12 para.(4) of the Hague Convention of 2007, using the forms recommended by the Hague Conference of Private International Law regarding the stage of processing of an application/request, which are provided at Annexes A, B, C and D

**Functions of the authorities and institutions that hold personal data in the processing of requests for specific measures, to help locate or to help obtain information on the income or assets of the debtor or creditor**

Art. 12. - (1) According to Art.51, Art.53, Art.61-63 of the Regulation (EC) No.4/2009, and to Art.6 and Art. 7 of the Hague Convention of 2007, the Ministry of Justice receives requests for specific measures made by:

a) the central authority of a Member State of the European Union, the form in the Annex No.V to the Regulation (EC) No.4/2009, filled out at 3.1.1 and 3.1.2.;

b) the central authority in a third contracting State to the Hague Convention of 2007.

(2) The Ministry of Justice transmits for processing to the Ministry of Administration and the Interior, the Ministry of Public Finance, the Ministry of Labour, Family and Social Protection, as appropriate, to the subordinated or coordinated structures, as well as to any other competent authorities or institutions that hold personal data, the requests for specific measures that concern:

a) help with locating the debtor or creditor;

b) help with obtaining information about the income or assets of the debtor or creditor.

(3) Upon receiving a request for specific measures, the authorities or institutions holding personal data shall apply *mutatis mutandis*, as a supplement, the provisions of the Act No.677/2001 to protect persons in relation to the processing of personal data and the free circulation of such data, as subsequently amended and supplemented.

(4) The Ministry of Justice sends the reply received from the Romanian authorities or institutions holding personal data, to the central authority of:

a) the Member State of the European Union, on grounds of Art.53 of the Regulation (EC) No.4/2009, using the Part B form of the request for specific measures, provided in Annex No.V of the Regulation (EC) No.4/2009;

b) the third contracting State to the Hague Convention of 2007, on grounds of Art.6 para.(2) (b) and(c) of the Hague

Convention of 2007, using the forms recommended by the Hague Conference of Private International Law concerning the status of processing of the request, which are provided at Annexes A, B, C and D.

### **Free legal aid**

Art. 13. - (1) The following categories of creditors receive free legal aid, in the forms provided in and according to Art.6 and 81 of the Government Emergency Ordinance No.51/2008 on legal aid in civil matters, as approved with amendments and supplements by the Act No.193/2008, as subsequently amended, hereinafter referred to as the *Government Emergency Ordinance No. 51/2008*, for applications made through the Central Authority, under Art.46 of the Regulation (EC) No.4/2009, and Art.15 of the Hague Convention of 2007, respectively:

a) the creditors of maintenance obligations who have not reached the age of 18 or who are under the age of 21 and are continuing their education;

b) creditors of maintenance obligations who are vulnerable persons, as defined in Art.3 (f) of the Hague Convention of 2007.

(2) The debtors and other creditors of maintenance obligations receive legal aid under the conditions provided in the Government Emergency Ordinance No. 51/2008, while observing the principle of continuity and equal treatment that they enjoy in their State of origin.

## *SECTION 2*

### **Recovery of maintenance in Romania by the creditors mentioned in Art.13 para.(1), whenever there is no foreign writ of execution or the effects thereof cannot be recognised in Romania**

### **Cooperation between the Ministry of Justice and the bar**

Art. 14. - (1) After performing the international regularity check, the Ministry of Justice sends directly to the competent territorial Bar the following categories of applications and requests received from abroad, together with the necessary supporting documents:

a) applications for recovery of maintenance by establishment of the amount thereof by court decision or for modification in the amount of maintenance established by court decision, made under:

(i) Art.56 and Art.57 of the Regulation (EC) No.4/2009, according to the model Annex No.VII thereto;

(ii) Art.10 of the Hague Convention of 2007, according to the model forms recommended by the Hague Conference of Private International Law, provided in Annexes C and D;

b) requests for specific measures for the establishment of parentage whenever this is necessary in order to recover maintenance debts, made under:

(i) Art.51 para.(2) (h) of the Regulation (EC) No.4/2009,

according to the model form provided in Annex No.V thereto, under 3.1.4.;

(ii) Art.6 para.(2) (h) of the Hague Convention, according to the model recommended by the Hague Conference of Private International Law, provided in Annex C;

c) requests for specific measures concerning the obtainment of provisional /interim measures, made under:

(i) Art.51 para.(2) (i) of the Regulation (EC) No.4/2009, according to the model in Annex No.V thereto, under 3.1.5.;

(ii) Art.6 para.(2) (i) of the Hague Convention of 2007.

(2) A copy of the maintenance application or of the request for special measures is sent by the Ministry of Justice, for records and statistics, to the National Union of the Bars of Romania.

(3) Under Art.81 of the Government Emergency Ordinance No.51/2008, the dean of the Bar issues an urgent decision to designate, on behalf of the maintenance creditor in Art.13 para.(1) whose habitual residence is abroad, a mandatory lawyer *ex officio* who will fill out and submit the applications in para.(1), institute court proceedings, represent him and assist him in first instance, in ordinary and extraordinary means of judicial review, or in the initiation of measures for coercive enforcement, as appropriate.

(4) The lawyer designated *ex officio* enjoys, for each procedural stage and for each of the measures in para.(3), the fee provided in the Protocol between the Ministry of Justice and the National Union of Bars of Romania regarding the establishment of fees for lawyers within the system of free legal aid.

**Obtaining the contents of foreign law**

Art. 15. - If foreign law is to be applied, based on the Hague Protocol of 2007, the official contents thereof are obtained, at the request of the court, through the Ministry of Justice or in any other manner provided in the law.

**Cooperation between the court and the judicial enforcer in the processing of requests under Art.14 para.(1) c)**

Art. 16. - (1) The lawyer designated according to Art.14 para.(3) requests the granting of legal aid in the form of the payment of the free for the judicial enforcement officer, and Art.26 of the Government Emergency Ordinance No.51/2008 is applicable.

(2) The court grants legal aid according to Art.81 of the Government Emergency Ordinance No.51/2008.

(3) The lawyer submits the request for the interim measure, together with the conclusion that set up that measure and the decision by the dean under Art.14 para.(3), to the competent territorial judicial enforcer.

**Cooperation among the court, the lawyer and the judicial enforcer, after the obtainment of the writ of execution, following the processing of the applications and requests in Art.14 para.(1) a) and b)**

Art. 17. - (1) After obtaining the writ of execution, following the processing of applications and requests in Art.14 para.(1) a) and b), the lawyer designated according to Art.14 para.(3) requests the granting of legal aid in the form of payment of the fee for the judicial enforcer, and the provisions of Art.26 of the Government Emergency Ordinance No.51/2008 are applicable.

(2) The court grants legal aid according to Art.81 of the Government Emergency Ordinance No.51/2008.

(3) The lawyer submits the request for coercive enforcement, together with the writ of execution and the decision by the dean of the Bar under Art.14 para.(3), to the competent territorial judicial enforcer.

### SECTION 3

#### **Recovery of maintenance in Romania by the creditors in Art.13 para.(1), whenever there is a foreign writ of execution**

**The competent Romanian authorities for the coercive enforcement of the foreign decision for which exequatur has been suppressed**  
**The competent Romanian authorities for the procedure of exequatur and coercive enforcement of a foreign decision for which exequatur has not been suppressed**

Art. 18. - (1) The language accepted for the translation of forms and supporting documents for enforcement under Art.20 and Art.40 of the Regulation (EC) No.4/2009 is Romanian.

(2) The provisions of Art.14-17 of this Act concerning the cooperation between the authorities and legal aid in civil matters are applicable, *mutatis mutandis*, to the approval of coercive enforcement and the initiation of any measures concerning coercive enforcement.

Art. 19. - (1) The following are of the competence of the district court in the jurisdiction of which the person who refused the recognition of the foreign decision habitually resides, or in the jurisdiction of which the enforcement will take place:

a) applications for recognition, as well as those for declaration of enforceability in Romanian territory of a foreign decision, pronounced in a State that is a Member of the European Union but does not have obligations under the Hague Protocol of 2007, made according to Art.28 and Art. 75 para.(1) of the Regulation (EC) No. 4/2009;

b) applications for recognition, and those for declaration of enforceability in Romanian territory of a foreign decision pronounced in any Member State of the European Union, made under Art.28 and Art. 75 para.(2) of the Regulation (EC) No.4/2009;

c) applications for recognition, and those for declaration of enforceability in Romanian territory of decisions pronounced in a third contracting State to the Hague Convention of 2007, made under Art.10, Art.19-31 of the Hague Convention of 2007.

(2) The language accepted for translations of the forms and supporting documents necessary for the recognition and declaration of enforceability provided in Art.28 and Art.40 of the Regulation (EC) No.4/2009 or in Art.44 of the Hague Convention of 2007 is Romanian.

(3) The provisions in Art.14-18 of this Act concerning cooperation between the authorities and the granting of legal aid in civil matters apply, *mutatis mutandis*, to recognition and enforcement, to means of judicial review against those decisions, to the declaration of enforceability, to the *ex officio* attachment set up by the court, to the approval of coercive enforcement, the initiation of any measures at the stage of coercive enforcement, and the taking of coercive enforcement steps.

#### SECTION 4

#### **Recovery of maintenance in Romania by the creditors in Art.13 para.(1) whenever there is a Romanian writ of execution**

**The competent Romanian authorities for the coercive enforcement of a Romanian decision**

Art. 20. - Recovery of maintenance in Romania, whenever there is a Romanian writ of execution, takes place according to Art.14-17 of this Act.

#### CHAPTER IV

#### **Common provisions**

**Competence to issue other necessary supporting documents**

Art. 21. - The Romanian law courts are the competent authorities that issue, at the request of creditors, any other necessary supporting documents, e.g.:

a) certificates proving that the parties concerned have received, in the Romanian courts, legal aid or exemption from fees and costs;

b) legalised copies of certificates of service, which prove the receipt of judicial documents by the defendant;

c) legalised copies of court decisions that exercised judicial review of a notarial document;

d) legalised copies of court decisions concerning the establishment or modification of the amount of maintenance; divorce; parental responsibility; or the establishment of parentage;

e) legalised copies of court decisions that recognised the effects, that declared the enforceability or that approved the enforcement of, a foreign decision in Romania;

f) legalised copies of court decisions refusing the recognition and the coercive enforcement of a foreign decision in Romania;

g) any other necessary supporting document that is deemed as relevant.

**Cost of drawing up and issuing necessary supporting documents**

Art. 22. – The drawing up and issuing of necessary supporting documents, including legalised copies, as provided in Art.21, and of those required for the recognition, enforceability or enforcement in Art.20, Art.28 and Art.48 of the Regulation (EC) No.4/2009 and in Art.25 of the Hague Convention of 2007 are exempt of judicial stamp fees for the creditors in Art.13 para.(1).

**Cost of the translation of applications/requests and necessary supporting documents**

Art. 23. - (1) For the creditors in Art.13 para.(1) and under Art.46 of the Regulation (EC) No.4/2009, or Art.15 of the Hague Convention of 2007 respectively, the following categories of applications/requests and necessary supporting documents are translated free of charge:

a) forms for requests for specific measures, maintenance applications, financial status, other forms, as well as the necessary supporting documents enclosed, by the Ministry of Justice;

b) forms for certificates, extracts of decisions, court settlements and authentic instruments, as well as other forms, by the law court, through the head clerk.

(2) The forms and documents in para.(1) may be translated free of charge into the language of the requested State or into a language that it accepts, in electronic format, on the website of the European Commission or of the Hague Conference of Private International Law.

(3) The translation of replies to applications/requests and of the correspondence received from foreign central or judicial authorities through the Ministry of Justice is carried out and borne by the Ministry of Justice.

**Final provisions**

Art. 24. - The provisions of this Act that concern the Hague Convention of 2007 shall become applicable at the date of entry into force of that Convention for the European Union.

This Act has been adopted by the Parliament of Romania, according to Art. 75 and Art. 76 para. (2) of the Romanian Constitution, as republished.

PRESIDENT of the  
CHAMBER OF DEPUTIES, *p.p.*  
Ioan Oltean  
*Illegible signature*

PRESIDENT of the  
SENATE, *p.p.*  
Vasile Blaga  
*Illegible signature*

Bucharest,  
No.