

## New Procedural Changes – A Necessary Reform for Improving the Efficiency of Justice in Small Claims Procedure



**The Romanian Parliament has recently adopted a significant amendment to Law no. 134/2010 on the Civil Procedure Code (“*Civil Procedure Code*”), amending the threshold value for the small claims procedure.**

On May 8, 2025, the President of Romania issued Decree no. 627/2025, by which Law no. 57/2025 was promulgated, amending Article 1026 (1) of Law no. 134/2010 on the Code of Civil Procedure. This amendment introduced significant changes by increasing the value threshold from 10,000 lei to 50,000 lei.

Law no. 57/2025 is set to be published in Part I of the Official Gazette and will enter into force within three days as of its publication.

### **Context and Purpose of the Amendment**

The main objective of this legislative amendment is to improve the efficiency of the judicial system and reduce court overload. By extending the applicability of the simplified procedure to higher-value small claims, the aim is to facilitate faster resolution of minor disputes, thereby improving access to justice.

As outlined in the explanatory memorandum, the special small claims procedure provides several advantages for both the courts and the parties involved, allowing cases to be resolved even without the parties’ physical presence in front of the court. This notably reduces the duration of proceedings and minimizes courtroom crowding.

The memorandum further emphasizes another advantage of the small claims procedure: it simplifies judicial work by enabling the prompt resolution of multiple similar cases. Additionally, decisions rendered under this procedure are not subject to the extraordinary remedy of a second appeal, which accelerates their final resolution.

### **Who Can Use the Small Claims Procedure and When**

The special small claims procedure serves as an alternative to the standard civil procedure. Any creditor holding a certain, liquid, and due monetary claim not exceeding RON 50,000 may bring the matter before the competent court using the small claims procedure.

It is important to note that, when determining admissibility based on the claim’s value, accessory amounts such as interest, penalties, fruits, legal costs, or other incidental revenues are not taken into account.

Certain types of cases are excluded from the scope of this procedure, as provided in Article 1026 (2) and (3) of the Civil Procedure Code. These exclusions cover matters related to tax, customs, administrative law, labor law, inheritance, arbitration, insolvency, social security, and similar areas, as well as cases involving state liability for acts or omissions in the exercise of public authority, civil status or legal capacity of individuals, property rights arising from family relations, rental of immovable property, or violations of privacy or other personality rights.

### **Special Rules Applicable to the Small Claims Procedure**

The procedure is conducted in writing and typically without summoning the parties, except when the court deems it necessary or upon request by one of the parties.

To file such a claim, the claimant must fill out a standard form and attach all relevant supporting documents.

Similarly, the defendant must respond using either a standard reply form or any other appropriate means and may also submit a counterclaim.

The advantages of this special procedure include:

1. A fixed court fee of RON 200, unlike the general procedure where the fee is calculated based on the claim value;
2. The court must assess legal costs in relation to the claim value, ordering the losing party to pay only a proportional amount;
3. The first-instance decision is enforceable by law, meaning it can be executed even if the defendant files an appeal;
4. Execution can only be suspended for justified reasons, requiring a security deposit amounting to 10% of the contested value;
5. The appellate court's decision is final and not subject to a second appeal, thereby speeding up case resolution.

### **Final Considerations**

Raising the threshold value for small claims marks a significant milestone toward optimizing the Romanian judicial system, aiming for better case management and faster resolution of minor disputes. However, the success of this reform depends on the implementation of clear monitoring and evaluation mechanisms to ensure that procedural efficiency does not compromise the quality of justice.

In conclusion, this legislative initiative is a positive signal from the authorities, showing commitment to modernizing the justice system by fostering a faster, more efficient, and accessible form of justice for all of us.