

Romania

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1. What are the basic criteria for the courts of your jurisdiction to allow enforcement of a foreign judgment?

As in many European Union countries, the basic criteria and enforcement procedure of a foreign judgment depend on the origin of the judgment and are regulated by distinct legal norms, depending on said origin.

Judgment issued by an EU Member State and requested to be enforced in Romania

If the judgment is issued by an EU Member State, its enforcement in Romania is governed by Regulation (EU) 1215/2012 of the European Parliament and the Council concerning jurisdiction, as well as the acknowledgment and enforcement of judgments in matters of civil and commercial nature (revised) (Regulation (EU) 1215/2012).

In accordance with Regulation (EU) 1215/2012, a judgment refers to any decision rendered by a court or tribunal within a Member State. This encompasses judgments of various designations, including decrees, orders, rulings, or execution writs. It also encompasses determinations of expenses or costs by a court official.

No exequatur or a formal declaration of enforceability is required under Regulation (EU) 1215/2012 to enforce judgments from EU Member State courts in Romania.

Since Regulation (EU) 1215/2012 aims to fluidise enforcement of EU Member State court judgments, a judgment from another EU Member State is to be enforced in Romania under equivalent conditions to a judgment issued by Romanian courts, provided that some conditions regarding the judgment itself are complied with by the requesting party. As such, the individual seeking enforcement of the judgment from EU Member State courts in Romania must provide:

1. a copy of the judgment meeting the necessary criteria to verify its authenticity;
2. the established certificate (outlined by the Regulation) verifying the judgment's enforceability – this certificate includes an excerpt from the judgment and pertinent information concerning recoverable procedural expenses, interest computation; and
3. a translation if demanded as per the stipulations of the Regulation.

For judgments involving provisional or protective measures, the applicant must provide the competent authority with a similar set of documents as well as proof of service of the judgment if the defendant was not summoned to appear. The authority

may request a translation of the certificate or the judgment if needed for proper understanding and execution.

Regulation (EU) 1215/2012 provides for a limited array of reasons whereby, subsequent to the debtor's request, the enforcement of a judgment from EU Member State courts in Romania may be declined. This encompasses circumstances wherein: (1) the acknowledgment is undeniably contradictory to Romanian (international) public policy; (2) due process rights have been violated; (3) the judgment is incompatible with a Romanian court judgment rendered between the same parties; (4) the judgment is inconsistent with a prior judgment from another Member State or a third-party nation involving the same subject matter and parties; or (5) the judgment contradicts specific grounds of (exclusive) jurisdiction as defined within the Regulation.

The court's examination of jurisdiction grounds and public policy must align with the court of origin's findings. The jurisdiction of the court of origin cannot be re-evaluated, and the test of public policy does not apply to jurisdictional rules.

Judgment is issued by Iceland, Norway and Switzerland and requested to be enforced in Romania

If an enforceable judgment is issued by Iceland, Norway or Switzerland, its enforcement in Romania is governed by the 2007 Lugano Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (2007 Lugano Convention).

In line with the objectives of the 2007 Lugano Convention, the term 'judgment' encompasses any decision issued by a court or tribunal of a state bound by this Convention. This refers to judgments of varied titles, such as decrees, orders, rulings, execution writs, as well as determinations of costs or expenses by a court official.

From a procedural perspective, a creditor seeking to enforce a judgment issued by Iceland, Norway or Switzerland in Romania must submit a unilateral application to the first instance tribunal of the enforcement location, alongside: (1) a copy of the judgment satisfying the prerequisites for establishing its authenticity; (2) the standardised certificate stipulated by the Convention, affirming the judgment's enforceability; and (3) a translation (if requested in accordance with the Convention). Once these formalities have been completed, the judgment shall be declared enforceable without unnecessary delay, devoid of any assessment of grounds for potential refusal.

Against this decision, any party (including the state against which enforcement is sought) has the right to file an appeal, within one month from the date of service. If the appealing party is situated in a Lugano Convention State other than Romania, the appeal period extends to two months from service. No extensions are granted based on distance. The appeal process operates within an adversarial framework.

The court of appeal cannot re-evaluate the judgment's essence and can solely reject or rescind a declaration of enforceability under specific circumstances. These include situations where:

1. the acknowledgment of the judgment flagrantly contradicts public policy in Romania;
2. in case of a default judgment, the defendant was not properly served with the initiating documents or their equivalent in a timely manner, hindering the preparation of a defence (unless the defendant omitted to initiate proceedings to contest the judgment when feasibly possible);
3. the judgment is incongruent with a Romanian judgment rendered within a dispute involving identical parties;
4. the judgment is discordant with a prior judgment from another Lugano Convention State or a third-party nation, encompassing the same cause of action and parties, provided the earlier judgment fulfils the prerequisites for recognition in Romania;
5. the judgment clashes with specific grounds of (exclusive) jurisdiction as stipulated by the Convention.

Judgment issued in United Kingdom

Following Brexit, the recognition and enforcement of a judgment issued by United Kingdom in Romania shall be performed pursuant to Book VII International Civil Trial of the Romanian Civil Procedural Code (Romanian Civil Procedural Code).

Pursuant to the Romanian Civil Procedural Code, term ‘foreign judgments’ refers to contentious or non-contentious jurisdictional acts of judicial courts, notarial acts, or acts of any competent authority in UK.

Foreign judgments shall have a different recognition regime under the Romanian Civil Procedural Code, depending on their object. Foreign judgments are fully recognised in Romania if they pertain to the personal status of citizens of the state where they were pronounced or if, pronounced in a third state, they were first recognised in the citizenship state of each party or, in the absence of recognition, were pronounced based on the law determined to be applicable according to Romanian private international law. The recognition must not be contrary to Romanian international private law public order and the right to defence must have been respected.

Apart from the above, other types of judgments can be recognised in Romania to benefit from *res judicata* and enforced, provided that the foreign judgment is enforceable according to the laws in the UK, as issuing state, if cumulatively the following conditions are met:

- the judgment is final according to UK law;
- the court that pronounced it had jurisdiction according to the law of the domicile state, without being solely based on the presence of the defendant or their assets unrelated to the dispute in the domicile state of that jurisdiction; and
- reciprocity exists concerning the effects of foreign judgments between Romania and UK.

If the judgment was rendered in the absence of the losing party, the judgment creditor must also confirm that the concerned party was timely served both the summons for the hearing in substance and the notice of the court's jurisdiction and was provided an opportunity to defend and appeal the judgment. The non-final nature of the foreign judgment, resulting from the omission of citing a person who did not participate in the foreign proceedings, can only be invoked by that person.

Apart from verifying the above conditions of recognition and enforcement, Romanian courts cannot examine the substance of foreign judgments or modify them.

The judgment creditor should introduce an *ex parte* application and produce:

- a copy of the foreign judgment;
- proof of its finality;
- a copy of the service of process evidence, or any official document attesting that the summons and notice of the proceeding were timely received by the absent party; and
- any other supporting documentation proving that the judgment can be recognised in Romania to benefit from *res judicata*.

The judgment creditor must also provide proof of the enforceability of the foreign judgment, issued by the UK court. The judgment creditor must also provide authorised translations of the documents or and their superlegalised form. Superlegalisation is not required if the parties agree to deposit certified copies. If the judgment creditor fails to present some of the required documents, the court can set a deadline for their presentation or accept equivalent documents or, if deemed sufficiently established, even dispense with the requirement for the party to produce them.

Foreign judgments containing provisional measures and those rendered with provisional execution cannot be enforced in Romania.

The court may refuse to declare the judgment enforceable in Romania if any of the following reasons are met:

- The judgment is manifestly contrary to Romanian international private law public order, this incompatibility is evaluated considering the connection of the case to the Romanian legal order and the gravity of the resulting effect.
- The judgment rendered in a matter where individuals do not freely dispose of their rights was obtained exclusively to evade the application of the law applicable according to Romanian private international law.
- The case has been settled between the same parties through a judgment, even non-final, of Romanian courts or is pending before them at the time the foreign court is seized.
- The judgment is incompatible with a previous foreign judgment capable of recognition in Romania.
- Romanian courts had exclusive jurisdiction over the case.
- The right to defence was violated.

- The judgment is subject to appeal in the state where it was rendered.

Enforcement cannot be refused solely on the ground that the foreign court applied a different law than that determined by Romanian private international law unless the case concerns the civil status and capacity of a Romanian citizen, and the foreign solution differs from the one that would have been reached under Romanian law.

Judgment enforceable under the Hague Conventions

Romania is party to The Hague Convention of 30 June 2005 on Choice of Court Agreements (2005 Hague Convention), entered into force in 2015. Romania is also a contracting party to the Hague Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (2019 Hague Convention), which shall enter into force on 1 September 2023.

The term ‘judgment’ within the context of these Hague Conventions refers to any court decision on the merits, regardless of its name, which includes decrees, orders, and decisions on costs. However, this definition only applies to determinations linked to decisions on the merits that can be recognised or enforced under the Convention. Notably, interim protective measures are not considered judgments.

Judgments enforceable under the 2005 Hague Convention

In accordance with the terms specified in an exclusive choice of court agreement, a judgment issued by a contracting state’s court, as detailed in the list of contracting states (available at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=98>), must be acknowledged and enforced in Romania without re-evaluating its substance, unless one of the grounds for refusal outlined in the Convention is applicable. These grounds comprise situations where:

1. The agreement was invalid under the selected court’s state law (unless the chosen court deems it valid).
2. A party lacked the capacity to enter the agreement under the requested state’s law.
3. The initiating document or its equivalent, containing essential claim elements, was not timely and adequately delivered to the defendant, unless the defendant presented their case without contesting the notification, as long as the state of origin permits notification disputes, or if the document was served in a manner inconsistent with the requested state’s fundamental service of documents principles.
4. The judgment resulted from fraudulent manipulation in procedural matters.
5. Recognition or enforcement would substantially conflict with the public policy of the requested state, encompassing cases where the specific proceedings leading to the judgment diverged from that state’s core procedural fairness principles.
6. The judgment contradicts a judgment given within the requested state in a dispute between the same parties.
7. The judgment contrasts with a previous judgment from another state involving the same parties and cause of action, as long as the earlier judgment fulfils the requisites for recognition in the requested state.

The party aiming for recognition or enforcement should submit an *ex parte* application and present:

- a certified complete copy of the judgment;
- the exclusive choice of court agreement or certified evidence of its existence;
- original or certified document indicating notification to the defaulting party, if the judgment was granted by default;
- necessary documents affirming the judgment's effect or its enforceability in the state of origin; and
- for judicial settlements, a certificate from the origin state's court attesting to its enforceability comparable to a judgment.

Pursuant to the EU's declaration, the Convention's applicability to insurance contracts is restricted, except where explicitly indicated in that declaration.

Judgments enforceable under the 2019 Hague Convention

The Convention pertains to the acknowledgment and enforcement of judgments in civil or commercial contexts, encompassing consumer and individual employment contracts. Nevertheless, it excludes several subjects such as personal status, family law, insolvency, privacy, intellectual property, and specific anti-trust issues. Furthermore, it does not encompass arbitration, related procedures, or interim protective measures. Contracting parties have the option of declaring that the convention will not be applicable to certain other matters as well.

The Convention establishes a shared framework for recognising and enforcing judgments from one Contracting Party in another, provided they meet certain criteria and the grounds for refusal are not applicable. The Convention outlines criteria for the court in the receiving jurisdiction to determine if a judgment is eligible for recognition and enforcement, known as 'indirect grounds of jurisdiction'. Notably, the Convention does not establish rules for direct jurisdiction in the originating or receiving courts.

To be eligible for recognition under the Convention, a judgment must meet the criteria outlined in Article 5(1):

1. The judgment can be recognised and enforced if it meets any of the following requirements:
 - The defendant was habitually resident in the state of origin when becoming a party to the proceedings.
 - The defendant's primary business location was in the state of origin, and the claim relates to their business activities.
 - The person who brought the claim is the defendant against whom recognition is sought.
 - The defendant had a branch or establishment in the state of origin, and the claim arises from its activities.
 - The defendant explicitly consented to the court's jurisdiction during the proceedings.

- The defendant argued on the merits without challenging jurisdiction, unless an objection would not have succeeded under the state of origin's law.
- The judgment concerns a contractual obligation and was given by a court where the performance took place, unless the defendant's connection to the state was not substantial.
- The judgment relates to a lease of immovable property in the state of origin.
- The judgment is about a contractual obligation secured by an immovable property right in the state of origin, if the same defendant was also subject to a related claim.
- The judgment deals with non-contractual obligations from harm occurring within the state of origin.
- The judgment pertains to a trust's validity, administration, or variation and the state of origin was designated as the jurisdiction for such matters.
- The judgment rules on a counterclaim arising from the same transaction as the claim.
- The judgment was issued by a court designated in a written agreement.

For judgments against consumers or employees, specific conditions apply to some of the above criteria, while others are excluded.

Recognition or enforcement of a judgment may be refused if:

1. The document initiating the proceedings or an equivalent document, including essential claim details, was not properly served on the defendant in a manner that would allow them to defend themselves. This refusal applies if the defendant did not contest the notification process in the original court, provided contesting was allowed by the law of the state where the judgment originated, or if the notification method used in the requested state violated its fundamental service principles.
2. The judgment was obtained through fraudulent means.
3. Recognising or enforcing the judgment would be fundamentally against the public policy of the requested state. This includes situations where the procedures leading to the judgment contradict the basic principles of procedural fairness of that state or involve violations of its security or sovereignty.
4. The proceedings in the court of origin went against an agreement or a trust instrument provision designating a court in a different state from the state of origin for resolving the dispute.
5. The judgment contradicts a judgment from a court of the requested state in a dispute between the same parties.
6. The judgment contradicts an earlier judgment from a court of another state involving the same parties and the same subject matter, provided the earlier judgment fulfils the conditions needed for recognition in the requested state.

It is important to note that the Convention sets minimum standards for recognition and enforcement. It does not restrict the recognition and enforcement of judgments under other legal frameworks, whether by national laws, bilateral or regional agreements, or other international instruments (except Art 6). Essentially, the

	<p>Convention sets a baseline rather than a limit for acknowledging and enforcing foreign judgments.</p> <p>The party seeking recognition or enforcement must file an application and provide the following documents:</p> <ul style="list-style-type: none"> • a complete and certified copy of the judgment; • if the judgment resulted from a default, an original or certified copy of a document proving notification to the defaulting party; • any documents necessary to prove the judgment’s effectiveness or enforceability in the state of origin; • if a judicial settlement is involved (as specified in Art 11), a certificate from a court in the state of origin confirming that the settlement is enforceable as a judgment. <p>Judgments issued by any other states</p> <p>Judgments from non-convention states or convention states not covered by relevant conventions listed above can be declared enforceable in Romania using the Romanian Civil Procedural Code. The criteria for recognition and enforceability, along with the reasons for refusal, have been explained above, regarding judgments issued in the UK, which apply to judgments issued by other foreign, non-EU and non-convention member states, as well.</p>
2.	<p>What other considerations may apply to enforcement of a foreign judgment against a state in your jurisdiction, (eg, notice provisions)?</p>
	<p>In Romania, there are no specific provisions outlining the process for enforcing judgments against foreign states. Instead, the service of legal documents on a state is carried out through diplomatic channels. Similar to serving other debtors, the method of service on a foreign state depends on the recipient’s location. This is facilitated by means of: (1) Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007, which covers service within EU Member States; (2) the Hague Convention of 15 November 1965 for service in Member States; or (3) the Romanian Civil Procedural Code for service in non-EU states. In practical terms, bailiffs often use multiple channels simultaneously to ensure effective service, including performing service via electronic means or by courier, concomitantly and the debtor is notified to designate a proxy located in Romania for the receipt of any services connected to the enforcement.</p> <p>There is no obligation under Romanian law for the judgment creditor to inform or notify Romanian authorities or foreign state authorities of their intent to start enforcement proceedings against a foreign state.</p>
3.	<p>What special considerations apply where the defendant/debtor in enforcement proceedings is a state, (eg, doctrine of sovereign immunity)?</p>
	<p>General immunity regime</p>

Considering that the United Nations Convention on Jurisdictional Immunities of States and Their Property of 2004 has not yet entered into force; in Romania, the general rule established by the Romanian Civil Procedural Code is that enforcement proceedings can be initiated against any natural or legal person, whether public or private, except for those who, according to the law, benefit from immunity from enforcement.

There are no exceptions to this rule, apart from the ones regulated through international acts to which Romania adhered, such as:

- The Convention on Diplomatic Relations, concluded in Vienna on 18 April 1961 (ratified by Decree No 566/1968);
- The Convention on the Privileges and Immunities of Specialised Agencies, adopted in New York on 21 November 1947 (to which Romania acceded by Decree No 343/1970);
- The General Agreement on Privileges and Immunities of the Council of Europe, concluded in Paris on 2 September 1994, Protocol No 1, concluded in Strasbourg on 6 November 1952, Protocol No 2, concluded in Paris on 15 December 1956, Protocol No 4, concluded in Paris on 16 December 1961, Protocol No 5, concluded in Strasbourg on 18 June 1990 (to which Romania acceded by Law No 43/1994), and Protocol No 6, concluded in Strasbourg on 5 March 1996 (to which Romania acceded by Law No 6/1999);
- The Agreement among the Parties to the North Atlantic Treaty regarding the Status of their Armed Forces (ratified by Law No 362/2004, published in *Official Gazette* No 845 of 15 September 2004).

Romania's Constitutional Court itself emphasised that:

‘regarding the scope concerning individuals, the rule is that enforcement can be initiated against any natural or legal person, whether public or private. The exception to this rule is narrowly interpreted and applies to individuals who benefit from immunity from enforcement, which is part of jurisdictional immunity and must be expressly provided by law.’ Therefore, ‘anyone can be a debtor, but not all individuals are debtors with respect to a specific enforceable title. In other words, in cases of violating general legal obligations to refrain from certain actions, the legal process and enforcement proceed only in opposition to the person or persons who have violated the negative obligation. Enforcement is carried out against the specific debtor specified in a particular enforceable title.’

(Decision No 710/29.11.2016, issued by the Romanian Constitutional Court).

Usually, immunity is invoked by the debtor, by means of enforcement challenge.

Specific immunity regimes

Diplomatic immunity

According to the 1961 Vienna Convention on Diplomatic Relations, diplomatic mission assets used for operational purposes are generally protected from attachment

or coercive measures. However, a state can allow such measures for specific assets or categories if explicitly permitted.

Interdiction of enforcing specific assets

Under Romanian civil procedural law, assets exempt from enforcement are:

1. Personal or household items essential for the debtor and their family's livelihood, as well as religious items, provided they are not excessive in number.
2. Items essential for disabled individuals and those intended for the care of the sick.
3. Food necessary for the debtor and their family for a period of three months, or, if the debtor is solely engaged in agriculture, food necessary until the next harvest, animals intended for subsistence, and feed for these animals until the next harvest.
4. Fuel necessary for the debtor and their family, considered for three months during the winter.
5. Personal or family letters, photographs, and paintings, as well as similar items.
6. Assets declared non-enforceable in cases and under conditions stipulated by law.

For example, Article 136 of the Romanian Constitution explicitly declares Romanian public property as inalienable, which means that it cannot be subject to enforcement measures that involve disposal. Article 786 of the New Civil Code, which outlines the conditions and limits for the enforcement of assets within a trust's patrimonial pool, establishes legal provisions that restrict the principle of the free enforcement of assets. Consequently, assets within a trust's patrimonial pool can be subject to enforcement by creditors with claims related to these assets or by those creditors of the settlor who have a real guarantee over the settlor's assets and whose enforceability was acquired, according to the law, before the establishment of the trust. The right to enforcement can also be exercised by other creditors of the settlor, but only based on a final court decision that admits the action that annuls or renders ineffective, retroactively, the trust contract in any manner.

4.	What exceptions may apply where the claim results from improper actions of the defendant state, (eg, wars of aggression)?
	The occurrence of a war of aggression or a violation of international law has not been acknowledged as a valid reason to make an exception to the application of the general enforcement regime in Romania.
5.	What due process standards and exceptions may apply in proceedings for enforcement of judgment against a state?
	Provided that international conventions, EU rules or national procedural rules are observed, as the case may be, in accordance to the response to Question 3 (above), Romanian laws do not provide any specific process standards and exceptions insofar as enforcement of judgment against a state is concerned.

5a.	<p>What standard will the court apply in the enforcement proceedings when assessing whether the service requirements have been met in the original proceedings against a state?</p>
	<p>As outlined in the response to Question 1 above, related to the recognition and enforcement of foreign judgments issued in UK, for which the Romanian Civil Procedural Code is applicable, if a foreign judgment does not fulfil certain conditions, the Romanian court can refuse its recognition and enforcement. Therefore, under the provisions of the Romanian Civil Procedural Code, which applies to recognition and enforcement of foreign judgments issued outside the EU and which are not covered by any international conventions, the lack of proper service in the original proceedings constitutes a breach of the right of the parties' defence, which can lead to a refusal of recognition and enforcement.</p> <p>The right to defence is frequently disregarded in relation to the communication of summonses and other procedural acts, through unjustified rejection of requests for legal assistance etc.</p> <p>Regarding the communication of documents, Article 1096 paragraph (2) of the Romanian Civil Procedure Code states that if a decision has been rendered in the absence of the losing party, it must also establish that the concerned party has been timely served both with the summons for the main hearing and the notice of the court proceedings, and has been given the opportunity to defend itself and exercise its right to appeal against the decision. If the Romanian court determines that these guarantees were not afforded to the party, the Romanian recognition and enforcement court will reject the application. Under no circumstances will the foreign judgment be subject to a substantive review at the request of the party.</p> <p>It is important to note that this applies to the party that has lost the case; therefore, the reason is not limited to the defendant.</p> <p>Analysing this provision, it is evident that it only pertains to decisions rendered <i>in absentia</i>. This condition is to be inferred by the recognition court from the content of the decision. In any case, it does not concern situations where a party has requested to be judged <i>in absentia</i>.</p> <p>For a proper defence, the Romanian court shall look into whether the party that has lost the case has been served both with the summons for the main hearing and the notice of the court proceedings. This does not relate to the subsequent communication of documents, nor does it involve an ancillary request, which are not as relevant and are not of the Romanian court's standard for approving or rejecting the recognition and enforcement.</p> <p>Service must have taken place in a timely manner, providing a true opportunity to defend. This condition encompasses the requirement of proper communication of court documents, which the Romanian court shall deem necessary.</p> <p>The assessment of the violation of the right to defence is based on the procedural law applied by the court that rendered the decision, which is rather challenging to implement in practice by the Romanian court.</p>

5b.	What exceptions may apply where conventional forms of service against a state are impossible, (eg, due to absence of diplomatic relations)?
	<p>Romanian legal provisions do not cover such a specific situation. However, Romanian Civil Procedural Code offers an array of possibilities for conventional forms of service to be performed, so in practice, such a situation could be reasonably overcome, even if its duration may be lengthy. For example, conventional forms of service include sending applications and requests by courier, post or electronic post and requesting the debtor party to choose its conventional representative in Romania, for service purposes. The service procedure in such cases is considered performed once the proof of sending the application and documents (eg, courier or post receipt stating that the documents have been delivered or left in the postal box) is returned to the court.</p>
5c.	What standard will the court apply in the enforcement proceedings when assessing whether the right to representation requirements have been met in the original proceedings against a state?
	<p>Romanian courts shall carefully look into whether the right to representation requirements have been met in the original proceedings against a state, as part of the right to defence and to a fair trial, applying a high standard of analysis.</p> <p>The violation of the right to defence has also been recognised as a distinct ground for refusing recognition of a foreign decision (Art 1096 para (1) letter (f) of the Civil Procedure Code).</p> <p>The Romanian court shall analyse the way the right of representation has been performed and exercised, from the initiation of proceedings to the issuance of the decision and the exercise of remedies. Circumstances arising after the foreign judgment has been issued may justify the court’s conclusion that said right was not observed, if, for instance, the bias of the foreign court is retained.</p> <p>The Romanian court shall also analyse whether the right to defence was observed in specific circumstances of the original proceedings, taking into account the entire procedure.</p>
5d.	What exceptions may apply where the defendant state cannot find legal representation, or chooses not to be represented?
	<p>Romanian legal provisions do not cover such a specific situation. However, if the Romanian court deems that objective impossibility to find legal representation occurred, such a circumstance would reasonably lead to a breach of the right of proper defence, since it would be deemed as illusory defence and may actually reject the recognition of enforcement of the foreign judgment based on this ground.</p> <p>If the defendant state had the possibility, both theoretical and practical, to benefit from legal representation, then the Romanian court would most likely assess that the right of defence was fully observed.</p>

6.	What assets may be subject of enforcement if the claim is against a state and what are the requirements, (eg, enforcement against assets of state-owned entities)?
	<p>Considering that the UN Convention on Jurisdictional Immunities of States and Their Property of 2004 has not yet entered into force, in Romania, the general rule established by the Romanian Civil Procedural Code is that enforcement proceedings can be initiated against any natural or legal person, whether public or private, except for those who, according to the law, benefit from immunity from enforcement, as outlined in the response to Question 3, above. Apart from this, the Romanian Civil Procedural Code provides that certain assets are restricted from enforcement, as stated in the response to Question 3.</p> <p>For example, Article 136 of the Romanian Constitution explicitly declares Romanian public property as inalienable, which means that it cannot be subject to enforcement measures that involve disposal.</p>