



Updated in Avril 2020

The Judicial Officer in the World

ROMANIA

Name (singular and plural): **Executori judecatoresti / Executorilor judecatoresti**

Presentation

Generalities

Approx. 864 judicial officers are appointed, mostly in individual offices and approx. 221 work in association. They work together with approx. 30 trainees or assistants and approx. 1.700 staff. All are liberal or self-employed professionals.

Training

Initial and ongoing training of judicial officers

To become a judicial officer, the following level is required: Four years of law studies or equivalent (Master 1 or equivalent).

There is no initial training for the future judicial officers.

An ongoing training is available for the judicial officers. This training is compulsory.

Ongoing training for the staff of judicial officers

Ongoing training courses are available for the staff of judicial officers. This training is organised by a specific training centre.

The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of judicial officer. The judicial officers are appointed by the Ministry of justice. The number of judicial officers is not limited. A judicial officer can exert his activities within a structure including another or several other judicial officers. Between 60 and 70% of judicial officers exert individually, the others exerting within a non-individual structure.

The profession is represented at national level by: **Uniunea Nationala a Executorilor Judecatoresti**.

Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Prohibition of service in certain cases (relationship, union, conflict of interest...).
- Obligations relating to the professional activities of the judicial officer.
- Conditions of keeping of archives of the judicial officer.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.



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- Professional secrecy.

There are rules relating to ethics and/or deontology applicable to the profession of judicial officer. Disciplinary rules are applicable to the profession of judicial officer. The judicial officer is submitted to a control of his activities.

Activities

Enforcement of court decisions

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on an immovable of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Forced public auction sale of tangible movable goods.
- Forced public auction sale of intangible movable goods.
- Forced public auction sale of immovable.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.
- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to all available information on the assets of the debtor.



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Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters. When serving documents, the judicial officer has access to information to locate and/or search the addressee.

Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.

Voluntary public auction sales

The judicial officer can carry out the voluntary public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) sale of immovable goods attached by the judicial officer.

Other activities (X = yes)	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	The judicial officer cannot exert a professional activity in the field of bankruptcy procedures according to Law 85/2014. He may exercise the function of administrator of the procedure or liquidator in the insolvency procedure of natural persons according to Law 151/2015.
Missions entrusted by a judge	X
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	