



Update: May 2023

## The Judicial Officer in the World

### ROMANIA

Name (singular and plural): **Executor judecătoresc / Executori judecătorești**

#### Presentation

##### Generalities

In Romania, there are approximately 858 judicial officers, of which approximately 738 are in the exercise of the profession. Most judicial officers operate in individual offices and approximately 71 within an office of associated judicial officers/a professional association. The judicial officers or associated judicial officers, holders of an office, may employ trainee judicial officers, other specialized staff, as well as appropriate auxiliary staff, necessary for the performance of the office's activity. Now there are approximately 10 trainee judicial officers.

##### Training

###### Initial and ongoing training of judicial officers

To become a judicial officer the following level is required: to have a degree/license in law. A person who has fulfilled the position of a trainee judicial officer for 2 years and passed the final exam, exercised a legal specialty for 3 years and passed the competition or the admission exam to the profession, can be a judicial officer. An ongoing training is available for the judicial officers. This training is compulsory.

###### Ongoing training for the staff of judicial officers

Employees of judicial officers benefit from the rights of any employee in Romania in accordance with the provisions of the Labour Code.

##### 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 exercise his activity within an individual office, office of associated judicial officers or within a professional association. Most of judicial officers operate in individual offices and approximately 71 within an office of associated judicial officers/a professional association.

The profession is represented at national level by: **Uniunea Națională a Executorilor Judecătorești**.

##### 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.



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- 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.
- 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 exerted by the judicial officers

### 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.
- 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.

### 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



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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 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.
- Physical (as opposed to Internet) auction sale of intangible movable goods.
- Physical (as opposed to Internet) sale of immovable.

<b>Other activities (X = yes)</b>	
Debt collection	<b>X</b>
Statements of facts	<b>X</b>
Sequestration of goods	<b>X</b>
Legal advice	<b>X</b>
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	<b>X</b>
Mediation	
Representation of parties in the court	
Drawing up of private deeds and documents	
Court service	
Real estate management	