

Kluwer Mediation Blog

Mandatory information sessions starting January 2013 in Romania

Constantin-Adi Gavrilă (ADR Center Romania) · Monday, July 30th, 2012

According to the latest development in the mediation legislation in Romania approved by the Romanian Parliament and published in the Romanian Official Journal in July 2012 under Law no. 115, in litigations that can form, pursuant to the law, the object of mediation or of another alternative form of conflicts settlement, parties and/or the concerned party, as required, are bound to prove that they had participated in the information session with regard to mediation advantages, in the following matters:

- a) in the field of consumers' safety, when a consumer invokes the existence of a damage following the purchase of a faulty product or service, the non compliance with contractual clauses or granted warranties, the existence of abusive clauses included in the contract concluded between the consumers and the economic operators, or the breach of other rights provided by the national legislation or of the European Union in the field of consumers' safety;
- b) in the matter of the family law, in situations provided by art. 64;
- c) in the field of litigations regarding possession, boundaries establishment, borders displacement, as well as in any other litigations which regard neighboring relationships;
- d) in the field of professional liability in which professional liability can be held, respectively causes of mal practice, to the extent in which through special laws no other procedure is provided;
- e) in work litigations arising out of conclusion, execution and cease of individual work contracts;
- f) in civil litigations of which value is under 50.000 lei, except litigations in which there was pronounced an enforceable order of opening the insolvency procedure, of actions regarding the Register of Commerce and of cases in which parties choose to resort to procedures provided by art. 999 – 1018 of Code of Civil Procedure;
- g) in the case of crimes for which the penal action is set in motion on a prior petition of the injured Party and Parties' reconciliation removes the penal liability, after the petition filing, if the doer is known or was identified, on the condition that the victim expresses his/her consent of participating in the information session together with the doer.

The evidence of participation in the information session regarding mediation advantages in a certain matter shall be made by an informative report released by the mediator who had achieved the information.

This amendment enters into force in January 2013.

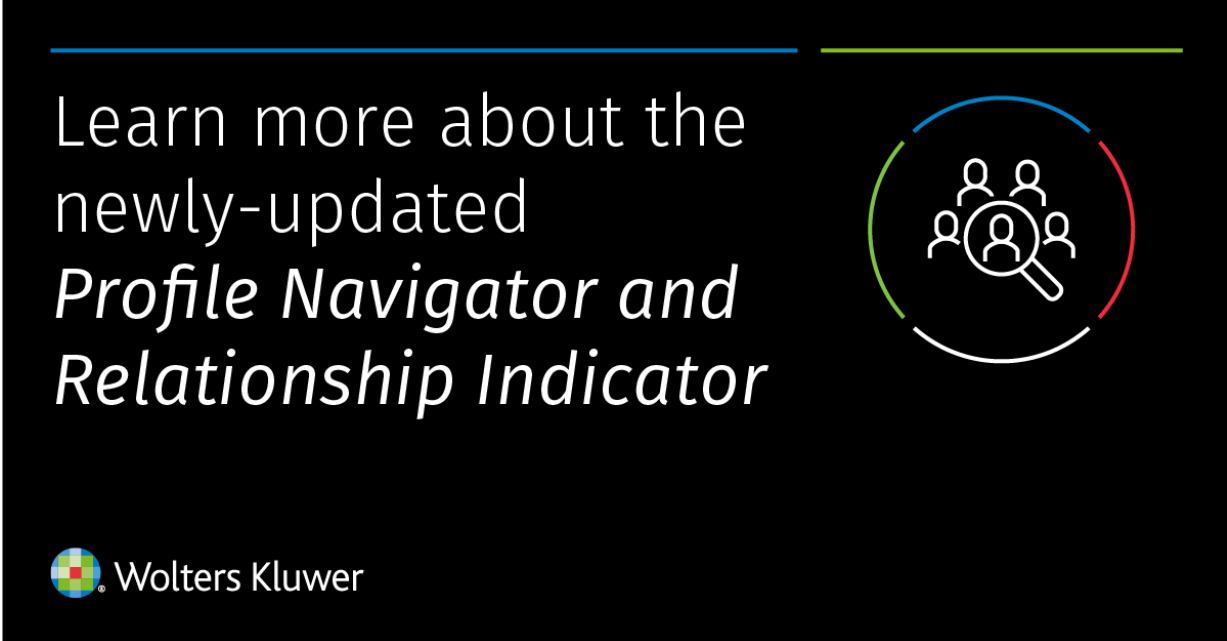
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