



## COLLECTIVE ACTIONS IN ROMANIA

The Romanian law does not provide for a special proceeding for complex class action litigations.

However, there are some situations in which the Romanian law admits that a group may file a claim on behalf of all injured people, in order to obtain judicial orders against a third party, thereby deterring future wrongdoing. These situations are expressly provided by the law.

We shall analyze herein below two of these cases when the Romanian law allows a legal entity to file an action in order to protect the interests of a group of people:

### **A. Actions filed by the trade-unions**

The trade-unions which are duly set up and registered with the competent local court protect the interests of their members, arisen from the relevant labour legislation, the collective labour agreements and the individual employment contracts, in front of the courts of law and of the institutions and authorities of the state.

In order to exercise the above-mentioned attributions, **the trade-unions have the right to take any approaches allowed by the law, including the right to file court actions in the name and on behalf of their members, without a special power of attorney form the persons whose interests the union represents.**

However, **the court action promoted by the trade union will not be continued if the employees whose interests are protected oppose to such court action or file a claim waiver application.** In order for the employees to express their options regarding the action filed by the trade union, each employee involved must be summoned in court.



## **B. Actions filed by the consumer associations**

The general basic conditions imposed by the law for these associations are as following:

- the association must be organized as a legal entity;
- the association shall not obtain profit;
- the main purpose of the association is to protect the interest and rights of the members as well as the general interest of the consumers.

Furthermore, associations with more than 3000 members, with offices in at least 10 counties and with at least 3 years of experience in consumers protection domain may become social partners and may obtain the right to be represented in the consultative committees organized at administrative level for the purpose of protecting consumer's rights.

**Among the rights granted to the consumers associations by the Consumer Code and the other relevant laws on consumer protection it is the right to file claims with the courts of law regarding the protection of the general legitimate interest of the consumers.**

Hence, as a rule, **the consumers associations acts on behalf of the general interest of all consumers and will not file a claim for a particular individual.**

The claims filed by the consumer associations which are social partners are tax free in the court.

**The actions filed by the consumer associations generally seek to obtain judicial orders against companies that cause injury or damage to consumers.**

**Still, in this kind of actions pecuniary damages cannot be awarded to the persons whose interests are protected.**



**In order for the injured people to receive pecuniary compensation, they must file individual claims and they must prove in court the damage suffered.**

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