

# Perspectives on the Legal Procedure for the Recovery of Debt

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## *Abstract*

*In the last decade, the legal framework regulating the procedure for debt recovery has been in constant change, particularly in Romania. These changes have been driven by the need to align national legislation with European Union directives, as well as to address some inefficiencies in the legal process. Reforms have included updates to enforcement procedures, adjustments to the roles and responsibilities of judicial officers, and the introduction of alternative dispute resolution mechanisms to streamline the recovery process. These legal modifications have aimed to better balance the interests of both creditors and debtors while ensuring greater transparency and efficiency in the recovery of debts. These reforms have been particularly significant due to the unique challenges faced by the legal system. The implementation of the New Civil Procedure Code in 2013 marked a substantial shift, introducing stricter timelines for debt recovery cases and more rigorous requirements for the enforcement of court decisions. Additionally, amendments to the Insolvency Law have provided clearer guidelines for handling cases where debtors face financial difficulties, ensuring that creditors' rights are protected while also offering debtors more structured opportunities for reorganization. Romania has also seen the development of the Electronic Archive for Secured Transactions, which has facilitated quicker and more transparent registration of security interests, thus improving creditors' ability to recover debts. Additionally, the role of bailiffs has been strengthened, giving them greater authority to carry out enforcement actions more effectively. The article aims to examine the ongoing evolution of Romania's legal framework for debt recovery over the past decade.*

**Keywords:** *debt recovery, insolvency law, European Union directives, creditors' rights, security interests*

## **1. Introduction**

### **1.1 The Role and Significance of Debt Recovery Procedures**

The procedure of debt recovery plays a major role in maintaining and balancing financial and economic, representing a protection measure, and ensuring that outstanding debts are dealt with fairly. However, it is important to ensure that the creditor has their rights protected and that the contractual obligations of the debtor are put into effect. More than a straightforward process of recovery of claw-

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back, debt collection is essential for confidence-building in economic and legal systems. In the absence of efficient legal procedures, the credit systems and commercial transactions would suffer significant disruptions, affecting the entire economic ecosystem. These disruptions can lead to reduced liquidity, increased borrowing costs, and economic stagnation. Also, banks and other financial institutions depend on the repayment of the loans they are giving for maintaining their financial stability.

On the other hand, debt recovery procedures are also essential for maintaining liquidity within businesses. Companies are often extending credits to customers, which is crucial for driving sales while fostering business relationships. However, when these receivables remain unpaid, it can severely disrupt the company's cash flow.

## **1.2 Legislative Reforms and Standardization within the European Union**

Within the European Union, community directives have driven member states, including Romania, to undertake substantial legislative reforms aimed at ensuring transparency, efficiency, and equitable treatment for all parties involved in the debt recovery process. For instance, the EU Directive 2019/1023 on preventive restructuring frameworks, on the discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency, and discharge of debt<sup>3</sup> and also This shift is exemplified by the introduction of Law No. 85/2014 on Insolvency Prevention and Insolvency Procedures, which streamlines insolvency process and improves enforcement, according to international legal standards and guidelines established by organizations like the International Association of Restructuring, Insolvency & Bankruptcy Professionals (INSOL).<sup>4</sup> These reforms also seek to standardize legal practices across the member states and create a unified legal framework that facilitates judicial cooperation and cross-border enforcement of claims. By synchronizing national laws with EU-wide regulations, member states can more effectively manage cross-border insolvencies and enhance the predictability of debt recovery results.

## **1.3 Study Objectives and Impact of Reforms**

Over the past few years, there has been a notable shift in the regulation of the debt recovery process in Romania, with a heightened focus on enhancing the efficiency of enforcement measures and protecting vulnerable debtors. Recent legislative changes, such as the amendment of the Romanian Insolvency Code,

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<sup>3</sup> European Union, *Directive (EU) 2019/1023 on Preventive Restructuring Frameworks*

<sup>4</sup> INSOL International is a global association of professionals in restructuring, insolvency, and bankruptcy, which sets standards and best practices in this field.

reflect a growing emphasis on balancing creditor rights with debtor protection.<sup>5</sup> Current academic and legal discussions explore the most effective ways to balance the interests of creditors and promote alternative dispute resolution mechanisms, such as mediation or arbitration. These discussions emphasize the potential of such methods to lower legal costs and accelerate resolution times, thereby improving the overall effectiveness of debt recovery. These measures aim not only to improve the efficacy of debt recovery procedures but also to establish a fairer and more just legal framework for all parties involved. For example, integrating best practices from global arbitration institutions could result in more balanced outcomes and greater satisfaction for all involved parties.<sup>6</sup>

This study aims to explore various perspectives on the legal procedures governing debt recovery, taking into account both recent developments in Romania and broader trends within the European Union. The analysis will investigate the impact of recent legislative reforms on the effectiveness of the debt recovery process and assess how these reforms contribute to achieving an appropriate balance between protecting creditor's rights and ensuring fair treatment for debtors. Furthermore, the research will evaluate the alignment of these reforms with international best practices and their effects on economic stability. Nevertheless, this research will highlight the current trends and challenges in the field of debt recovery, providing a comprehensive perspective on how these legal procedures are evolving in response to increasingly complex economic and legal demands. The findings will offer valuable insights into potential areas for further improvement in debt recovery practices, contributing to the development of more effective and equitable systems.

## **2. Inefficiencies and Challenges in Debt Collection in Romania**

Debt collection plays a fundamental role in preserving the financial health of businesses. In the Romanian context, however, this process is beset by a range of inefficiencies and obstacles that compromise its efficacy. Among the primary issues are prolonged resolution times, substantial costs, convoluted administrative procedures, and challenges in acquiring up-to-date debtor information. This analysis aims to provide an in-depth examination of these inefficiencies and will be augmented by a real-life case study to illustrate their impact more concretely.

A major inefficiency in Romania's debt collection system is the extended framework for legal proceedings. The judicial system often suffers from significant case backlogs, leading to prolonged periods for resolving debt recovery disputes. According to a 2022 report by the Superior Council of Magistracy, the average duration for concluding a civil case can exceed 12 to 18 months, depending on the complexity of the case and the volume of cases handled by the court<sup>7</sup>. Moreover, procedural inefficiencies within the judicial system exacerbate these delays. The

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<sup>5</sup> Romanian National Bank, *Recent Changes in Romanian Insolvency Law*.

<sup>6</sup> International Chamber of Commerce, *Best Practices in Arbitration*.

<sup>7</sup> Superior Council of Magistracy. (2022). *Report on the State of the Judicial System*.

extended time needed to schedule court hearings, handle legal paperwork, and address growing case backlogs worsens the situation. This hampers the timely recovery of debt.

Also, the financial implications of debt collection in Romania pose a considerable challenge. Businesses often bear heavy costs associated with legal fees, court expenses, and commissions for collection agencies. According to research, these expenses can amount to 20-30% of the total debt being pursued. Such financial burdens can make the debt recovery process less attractive and viable for companies.

Legal fees, in particular, can be quite significant. Companies often face considerable expenses for legal representation, especially in cases that are complex or prolonged. Moreover, collection agencies frequently impose high commissions, which further escalate the overall cost of debt recovery. These financial strains can erode the profitability of recovery efforts and dissuade companies from pursuing delinquent accounts.

Administrative complexity is a significant impediment in the debt collection process in Romania. Businesses often face onerous procedures that involve complex paperwork and rigorous documentation requirements. The 2022 report from the Ministry of Justice indicates that the lack of standardized procedures and an effective administrative system exacerbates delays and adds complications to debt recovery efforts. The necessity to navigate extensive bureaucratic steps and submit comprehensive documentation further complicates the process, making debt collection more arduous and time-consuming for companies.

Another substantial challenge is represented by securing accurate and up-to-date information about debtors. Companies frequently struggle to locate debtors who have changed their addresses or contact details without notifying the creditor. This difficulty is compounded by the limited resources that collection agencies have for tracking down and verifying debtor information.

For instance, if a debtor moves to a different city or country, it becomes increasingly difficult for creditors to initiate and maintain collection efforts. The absence of reliable and current information can result in extended and inefficient recovery processes, further complicating the debt collection endeavor. Deficient communication among the parties involved in the debt collection process—creditors, collection agencies, and debtors—can significantly amplify delays and the complexity of issues. This inefficiency often leads to extended collection periods and increased difficulties for all parties involved.

## **2.1 Case Study: Debt Collection Challenges Encountered by "Digi" Telecommunications Company**

The telecommunications company "Digi" provides a clear example of the difficulties faced in debt collection within Romania. In 2023, Digi undertook the task of recovering receivables totaling approximately 15 million RON, related to

unpaid customer invoices. This case study reveals several key inefficiencies within the Romanian debt collection system.<sup>8</sup>

Digi faced significant delays in the debt recovery process. For example, one case was extended over 14 months due to inefficiencies in court proceedings and administrative handling. These prolonged timelines had a direct negative impact on the company's cash flow and operational performance. The company incurred roughly 2 million RON in legal fees and collection agency commissions, amounting to nearly 13% of the total debt. Such substantial expenses compromised the economic feasibility of the recovery process and affected the company's profitability.

The company struggled to obtain accurate and current information about its debtors. Many debtors had updated their addresses or contact details without informing Digi, which hindered the debt recovery process.

Issues such as lengthy resolution periods, high associated costs, administrative hurdles, difficulties in obtaining accurate debtor information, and ineffective communication all complicate the debt recovery process. Addressing these problems requires a strategic overhaul aimed at enhancing debt management practices, streamlining administrative processes, and increasing overall efficiency in debt collection activities.

## **2.2 Comparative Study: Romania vs. Other EU Countries in Debt Collection Comparing Procedures**

Debt collection is a complex and variable challenge depending on the country. A comparative analysis of Romania's debt collection system in relation to Germany, France, Italy, and Spain can provide valuable insights for improving debt collection procedures.

### **Romania**

In Romania, the debt recovery process typically begins with attempts at amicable resolution between the creditor and the debtor. If these efforts fail, creditors may initiate legal actions. The judicial procedures are complex and have a long duration. According to a report by the Superior Council of Magistracy, the average time required to resolve a debt recovery case can exceed 12-18 months, depending on the case's complexity and the court's workload<sup>9</sup>. The costs associated with debt recovery are significant, including legal fees and commissions for collection agencies, which can account for 20-30% of the total amount recovered<sup>10</sup>.

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<sup>8</sup> Digi. (2023). *Annual Financial Report*. Retrieved from <https://www.digi-communications.ro/ro/relatia-cu-investitorii/actiuni/raportari-financiare-actiuni/raportari-anuale-actiuni>.

<sup>9</sup> Superior Council of Magistracy. (2022). *Annual Report on Judicial Efficiency*.

<sup>10</sup> National Bank of Romania. (2023). *Report on Debt Recovery Costs*.

Additionally, administrative procedures are often complex and bureaucratic, further complicating the debt collection process<sup>11</sup>.

### **Germany**

Germany employs a streamlined debt recovery procedure known as the "Mahnbescheid" (payment order). This mechanism allows creditors to quickly obtain a payment order without the need for a judicial process. Thus, it simplifies and accelerates debt collection.<sup>12</sup> The average timeframe for securing a payment order in Germany is approximately 2-3 months, which is considerably shorter than the period typically observed in Romania. The efficiency of the German system is attributed to its organized structure and reduced bureaucratic obstacles, and by doing this facilitates rapid document and efficient case management. Additionally, Germany's well-coordinated administrative framework significantly enhances the overall effectiveness of the debt recovery process.<sup>13</sup>

### **France**

In France, the "Injonction de Payer" (payment order) procedure allows creditors to quickly obtain a payment order if the debtor does not contest the claim.<sup>14</sup> If the order is not contested, it can become enforceable within a few weeks. France promotes mediation as an alternative to judicial litigation, which helps to resolve disputes more efficiently and cost-effectively.<sup>15</sup> The French system is notably efficient and rapid, facilitating prompt debt recovery while reducing both the time and costs involved.

### **Italy**

Italy incorporates mediation and negotiation as alternative methods for resolving debt disputes before they reach the court system. The mediation process is widely utilized and helps facilitate the swift and effective resolution of conflicts.<sup>16</sup> By addressing issues before they escalate into formal litigation, mediation streamlines the debt recovery process. Despite the efficiency of mediation, the formal court procedures in Italy can still be lengthy, often resulting in extended recovery times and increased costs.<sup>17</sup>

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<sup>11</sup> Ministry of Justice of Romania. (2023). *Report on Administrative Procedures in Debt Collection*.

<sup>12</sup> German Federal Ministry of Justice. (2023). *Overview of the Mahnbescheid Procedure*.

<sup>13</sup> European Commission. (2022). *Efficiency of Debt Recovery Systems in EU Member States*.

<sup>14</sup> French Ministry of Justice. (2023). *Injonction de Payer Procedure Overview*.

<sup>15</sup> European Commission. (2022). *Alternative Dispute Resolution and Mediation in EU Member States*.

<sup>16</sup> Italian Ministry of Justice. (2023). *Mediation Procedure in Italy*.

<sup>17</sup> European Commission. (2022). *Debt Recovery Systems and Mediation in EU Member States*.

## Spain

Spain utilizes the "procedimiento monitorio" (monitoring procedure), which allows creditors to recover debts within a relatively brief period, especially for uncontested claims.<sup>18</sup> This streamlined process enhances the speed of debt recovery by reducing both time and associated costs. Furthermore, Spain benefits from effective enforcement mechanisms that ensure the prompt execution of court orders, thereby facilitating a more efficient debt collection process.

In all EU countries, the debt recovery process generally begins with attempts to resolve disputes amicably between creditors and debtors before resorting to legal action. If these initial attempts fail, creditors may seek judicial intervention to recover the outstanding debts.

In Romania, debt recovery procedures are often characterized by lengthy durations and significant complexity. In contrast, Germany and France utilize simplified and standardized processes, such as "Mahnbescheid" and "Injonction de Payer," which facilitate faster and less costly debt recovery.<sup>19</sup> Debt recovery in Romania tends to incur higher expenses due to legal fees and collection agency commissions. Conversely, Germany and France benefit from more efficient procedures that help reduce the overall costs of debt recovery.<sup>20</sup> The debt recovery process in Romania is frequently hindered by extensive bureaucracy and complex administrative requirements. In comparison, Germany and France have more streamlined and efficient administrative systems that simplify and expedite the debt recovery process.

## Improving Debt Recovery Systems: Lessons from International Practices

Romania could enhance its debt recovery system by incorporating practices from other EU countries. Implementing a streamlined procedure similar to Germany's "Mahnbescheid" would speed up debt recovery and reduce costs. Incorporating mediation, as practiced in France and Italy, provides an effective way to resolve disputes more quickly and affordably, compared to traditional court processes. Simplifying administrative procedures, following the examples of Germany and France, would help alleviate bureaucratic delays in Romania and improve overall efficiency. Additionally, adopting advanced technology for case management could streamline document handling and communication. By integrating these approaches, Romania could significantly accelerate and economize its debt recovery efforts.

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<sup>18</sup> Spanish Ministry of Justice. (2023). *Overview of the Procedimiento Monitorio*.

<sup>19</sup> European Commission. (2022). *Debt Recovery Systems in EU Member States*.

<sup>20</sup> German Ministry of Justice. (2023). *Overview of the Mahnbescheid Procedure*.

### **3. The evolution of the legislative framework**

In the recent years, Romania's legislative framework for debt recovery has undergone significant transformations, marked by the introduction of the new Civil Procedure Code in 2013 / Law No. 137/2010. This code streamlined the debt recovery process by introducing simplified procedures for small claims. It also enhances the powers of bailiffs for more effective enforcement and incorporated stronger protections for debtors. The ongoing alignment with EU regulations, particularly through the implementation of the EU Restructuring and Insolvency Directive, further modernized the system and promoted early debt restructuring and balancing creditor and debtor rights.

#### **3.1 Simplified Procedures for Small Claims**

The 2013 Civil Procedure Code was a landmark reform in Romania's legal system, replacing the outdated framework with a modern, efficient, and fair set of rules for civil litigation. The new code was designed to enhance the speed and effectiveness of legal proceedings, including debt recovery, while ensuring the protection of both creditors' and debtors' rights. One of the key innovations of the 2013 Civil Procedure Code was the introduction of simplified procedures for small claims, as outlined in Article 1025 of the Civil Procedure Code. In cases where the debtor does not contest the claim, the procedure may be carried out in full. The entire provision was designed to speed up the resolution of cases involving uncontested debts below a certain monetary threshold.

The simplified procedure minimizes procedural formalities and allows for the resolution of disputes without the need for a full hearing. In writing, thereby reducing the time and costs associated with traditional litigation. This reform was particularly beneficial for creditors seeking to recover smaller debts, as it provided a faster, more cost-effective avenue for legal redress. On the other hand, judgments rendered under the simplified procedure are enforceable in the same manner as those issued in traditional litigation. Article 1030 ensures that once a judgment is issued, it can be swiftly enforced through the mechanisms provided in the Civil Procedure Code, such as asset seizure or garnishment. This guarantees that creditors can quickly obtain satisfaction of their claims without additional procedural hurdles.

While the simplified procedures have been largely successful, they are not without challenges. For instance, the reliance on written submissions and the potential absence of oral hearings may, in some cases, limit the ability of parties to fully present their arguments, especially if they lack legal representation. Additionally, the simplified nature of the process might sometimes lead to overly swift judgments, potentially overlooking important nuances in more complicated cases.

Taking all in consideration, despite some challenges, the simplified procedures have generally succeeded in achieving their intended goals,



contributing to a more responsive and efficient judicial system in Romania. As these procedures continue to evolve, they will likely play an increasingly important role in ensuring that justice is accessible to all, regardless of the size of the claim.

### **3.2 Enhanced power for bailiffs**

The 2013 code also significantly enhanced the powers and responsibilities of bailiffs, who play a crucial role in enforcing court judgments. Articles 622-729 of the code provide a comprehensive framework for the enforcement process, granting bailiffs the authority to carry out a range of actions, including the seizure of assets, garnishment of wages, and the forced sale of the debtor's property.

Article 622 provides the framework for initiating enforcement proceedings. It allows creditors to request enforcement directly from a bailiff, bypassing additional court approvals that were previously required. The procedure consists on creditors submitting a request to a bailiff to initiate enforcement. By centralizing the initiation of enforcement with bailiffs, this article reduces the procedural steps and accelerates the start of enforcement actions. This streamlined process helps in addressing the backlog of enforcement cases and makes it more effective for creditors to initiate them to recover their debts. Article 623 is also extremely important for granting bailiffs direct access to and control over a debtor's assets, including bank accounts and wages. Bailiffs can seize or freeze assets directly, without needing additional court orders. This includes accessing bank accounts and garnishing wages. This provision speeds up the enforcement process by eliminating bureaucratic delays. It allows for more immediate recovery of debts, reducing the likelihood of debtors hiding assets or delaying payments.

Articles 730-742 of the 2013 Civil Procedure Code establish a comprehensive framework for the seizure and sale of property in enforcement proceedings. These provisions ensure that the process is conducted fairly, transparently, and efficiently. By detailing procedures for seizure, valuation, auction, and distribution of proceeds, the code enhances the effectiveness of debt recovery while protecting the rights of all parties involved. The emphasis on proper handling, reporting, and appeals provides a balanced approach to enforcement that contributes to a more functional and equitable legal system. Article 730 establishes the basic framework for the seizure of property in enforcement proceedings. It requires the bailiff to notify the debtor about the seizure, providing details about the property to be seized. Moreover, the notification must include information about the enforcement action and the debtor's rights. This is a very important step, ensuring that debtors are informed about the seizure being important for fairness. This notification provides debtors with the opportunity to contest the seizure if they believe it is unjust or incorrect.

The procedure code also reglements the line of action in case of movable and immovable property in the Articles 733-734. For immovable property, article 733 requires that the sale be conducted through a public auction. The bailiff is responsible for preparing detailed documentation about the property and providing

it to potential bidders. To ensure transparency and competitive bidding, the sale must be conducted in a manner that is fair. This procedure is carried out to ensure that real estate is sold at its actual market value. The public auction format provides an opportunity for multiple bidders to participate, which can drive up the sale price and benefit the creditor by ensuring that real estate is sold at its true sales value. However, article 734 states that movable property can be sold either through a public auction or through direct sale, depending on the nature of the items and their value.

### 3.3 Importance of Insolvency Law on debt recovery

Insolvency law plays an important role in gaining a broader perspective on debt recovery. It outlines procedures that affect creditors and debtors in financial difficulties. The integration of EU directives into Romanian insolvency law has led to significant changes that have affected the efficiency, fairness, and effectiveness of debt recovery processes. Romania's insolvency law is primarily governed by Law No. 85/2014 on insolvency prevention and insolvency proceedings. This law provides a structured approach to insolvency management. It has been amended to align with EU directives. Some of the most important principles are: encouraging early intervention and restructuring to avoid full-blown insolvency, ensuring that insolvency proceedings are conducted transparently, with fair treatment of all parties involved. Insolvency law significantly affects the process and likelihood of debt recovery.

The legal framework sets the order of priority among creditors, such as asset liquidation procedures and debt restructuring options. Specifically, Romanian insolvency law outlines a clear hierarchy of claims, determining the order in which creditors are paid during insolvency proceedings. This system is crucial, as it is essential to understand how debts are recovered. Secured creditors, who have collateral or other security interests, typically have the highest priority. In accordance to Article 159<sup>21</sup>, secured creditors are paid first from the proceeds of the sale of the secured assets. After secured creditors, unsecured creditors are paid from the remaining assets. This group includes suppliers, employees (for wages), and tax authorities, as specified in Article 161<sup>22</sup>. Some claims, such as those of shareholders or claims arising from penalties, are subordinated and paid last, according to Article 162<sup>23</sup>. Consequently, this prioritization directly impacts the likelihood of debt recovery, especially for unsecured creditors, who may only receive a fraction of what they are owed if the debtor's assets are insufficient.

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<sup>21</sup> Law no. 85/2014 on insolvency prevention and insolvency procedures.

<sup>22</sup> Law no. 85/2014 on insolvency prevention and insolvency procedures.

<sup>23</sup> *Ibidem*

#### 4. Conclusion

The legal framework governing debt recovery in Romania, particularly within the context of insolvency, has undergone significant transformation to align with European Union directives and to address the inherent challenges in the recovery process. The introduction of Law No. 85/2014 on Insolvency Prevention and Insolvency Procedures, along with the implementation of EU Directive 2019/1023 on preventive restructuring frameworks, has created a more structured and transparent approach to handling financial distress. These reforms have not only standardized the process across member states but have also enhanced judicial cooperation, particularly in cross-border insolvencies, ensuring that the recovery of debts is both predictable and equitable.

The hierarchical structure established by Romanian insolvency law, as outlined in Articles 159 to 162, clearly prioritizes secured creditors over unsecured creditors, reflecting the fundamental principle of fairness in the allocation of the debtor's assets. Secured creditors, benefiting from collateral or other security interests, are paid first, while unsecured creditors, including suppliers, employees, and tax authorities, follow, often receiving only a fraction of what they are owed. This hierarchy underscores the critical impact that legal protections for secured creditors have on the likelihood of debt recovery.

Moreover, the enhanced powers granted to bailiffs through the 2013 Civil Procedure Code have further streamlined the enforcement of court judgments, allowing for more efficient and immediate recovery of debts. Articles 622-729, which govern the enforcement process, provide bailiffs with the authority to seize assets, garnish wages, and conduct public auctions, ensuring that the rights of creditors are upheld while maintaining fairness and transparency in the execution of these duties.

Despite the progress made through these reforms, challenges remain, particularly regarding the efficiency of proceedings and the protection of unsecured creditors. The complexity of administrative procedures, coupled with the lengthy duration of insolvency cases, often hinders the timely recovery of debts, especially in cases where cross-border elements are involved.

However, the continuous alignment of Romanian law with EU standards, along with ongoing efforts to improve the legal framework through digitalization and enhanced training for legal professionals, holds promise for further advancements in the field.

In conclusion, the evolution of Romania's legal framework for debt recovery reflects a concerted effort to create a more equitable and efficient system, one that balances the interests of creditors with the need for fair treatment of debtors. By embracing both national reforms and EU directives, Romania has positioned itself to better manage the complexities of debt recovery in an increasingly interconnected and dynamic economic environment. As these legal frameworks continue to evolve, they will play an essential role in ensuring the

stability and resilience of the financial system, both within Romania and across the European Union.

## **5. Lege ferenda proposal**

As the legal framework for debt recovery in Romania continues to evolve, it is essential to not only assess the impact of recent reforms but also to anticipate future needs and challenges. While the current legislation, including the 2013 Civil Procedure Code and Law No. 85/2014 on Insolvency Prevention and Insolvency Procedures, has significantly improved the efficiency and fairness of debt recovery processes, several areas still present opportunities for further refinement and enhancement.

First, the simplified procedures for small claims, as outlined in Article 1025 of the Civil Procedure Code, could benefit from the integration of mandatory digital platforms. These platforms would allow for the entire process—from the submission of claims to the final resolution—to be handled online, significantly reducing the time and administrative burden on both courts and parties involved. This digitalization would make the process more accessible, particularly for individuals and small businesses that may lack legal representation, and would align with broader EU trends towards the digital transformation of judicial processes.

Second, the powers and responsibilities of bailiffs, governed by Articles 622-729 of the Civil Procedure Code, could be further enhanced by establishing a centralized, publicly accessible database for enforcement actions. This database would provide real-time updates on the status of seized assets and ongoing enforcement actions, thereby increasing transparency and allowing creditors to track the progress of their cases more efficiently. Additionally, this system would help prevent abuses by ensuring that all actions taken by bailiffs are documented and can be monitored by relevant authorities.

In conclusion, these lege ferenda proposals aim to address the current challenges in Romania's debt recovery framework, making it more efficient, transparent, and fair for all parties involved. By integrating digital platforms, enhancing the powers and accountability of bailiffs, protecting vulnerable debtors and standardizing administrative procedures, Romania can further strengthen its legal infrastructure and ensure that its debt recovery processes remain robust and responsive to the needs of a modern economy.

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