

LEGAL ASPECTS REGARDING EUROPEAN CIVIL STATES

Lecturer Ph.D. Isabela STANCEA

"Constantin Brâncoveanu" University of Pitești, Romania

E-mail: stanceaiza "@ yahoo.com

Abstract: *Persons who regain Romanian citizenship and prove this with the Certificate of Citizenship issued by the National Citizenship Authority or the diplomatic missions and consular offices of Romania submit the request for transcription of certificates / extracts of civil status, purchased from abroad at SPCLEP / the mayoralty of the administrative- territorial units from the last place of residence in the country, before renouncing the Romanian citizenship. The persons who prove the Romanian citizenship with the Certificate of Citizenship issued by the National Citizenship Authority or the diplomatic missions and consular offices of Romania submit the request for transcription of certificates / extracts of civil status, purchased from abroad, to the CSD. - Sector 1; persons who acquire Romanian citizenship and prove their domicile in Romania with a permanent residence permit issued by O.R.I. will address the request for transcription to the mayor of the administrative-territorial unit of the place of residence, according to the data entered in the residence permit.*

Keywords: *civil status, transcription, Member States of the European Union.*

JEL Classification: *K0, K19.*

The civil status attributions are performed by the county councils / the General Council of the Municipality of Bucharest and the staff assigned to them, by the local community public services for the registration of the persons, in the administrative-territorial units where they are constituted, as well as by the civil status officers from the mayoralties of the administrative-territorial units, in which there are no community public services for keeping records of the persons, by the mayors or officials designated by them with competences in this field, by the heads of the diplomatic missions and the consular offices of Romania, respectively by diplomatic agents carrying out consular functions or by some of the consular officers, by commanders of ships and aircraft outside the national territory and by the military civil servants designated by order of the Minister of National Defense u, as the case may be, the Minister of Administration and Interior, in case of mobilization, war, participation in defense missions collective, peace support, humanitarian assistance, or coalition¹.

The civil servants delegated to the local community public services for the registration of persons, hereinafter referred to as SPCLER, in the administrative-territorial units where they are established, as well as those in the municipalities of the administrative-territorial units in which SPCLER does not operate, are obliged to draw up under the conditions provided by the law, civil status documents for Romanian citizens or for persons without citizenship and to register upon request the documents or civil status acts of foreign citizens who are domiciled or temporarily present on the territory of Romania under the same conditions as and for Romanian citizens².

According to Article 4 of the GD. 64/2011, the commanders of ships and aircraft shall record in the logbook and in the road book, respectively, births and deaths occurring on these means of transport outside the territory of Romania.

On board a ship outside territorial waters, marriage can only be concluded between Romanian citizens on the basis of the passport issued by the competent authorities of the Romanian State, the medical certificate issued by the ship's doctor or another competent doctor, as well as the statement of the future spouses .

¹Article 1 of the Government Decision no. 64 of 26 January 2011 for the approval of the Methodology regarding the unitary application of the provisions regarding civil status, published in the Official Gazette no. 151 of 2 March 2011.

² Article 3 of the Government Decision no. 64/2011 on civil status.

Diplomatic Missions and Career Consular Offices of Romania record civil status acts and facts regarding Romanian citizens produced abroad and issue civil status certificates¹.

The civil status documents regarding the Romanian citizens living abroad, which are registered at the diplomatic missions or the consular offices of Romania, are sent by the Ministry of Foreign Affairs, as they are completed, to the DSC. - Sector 1, together with the primary documents on which the documents were drawn up.

Civil Status Documents - the copy is archived at D.S.C. - Sector 1, which sends communications of mentions of birth and, where appropriate, marriage and acts on them; upon request, issue civil status certificates to the eligible persons².

The civil status registers - copy II are sent to D.G.E.P.M. Bucharest - D.S.C. within 30 days of the date when all the documents were completed. Upon receiving the registers - copy II, they are faced with copy I at D.S.C. -Sector 1, for the purpose of operating the existing entries on the documents - copy I.

The civil status documents of the Romanian citizens, drawn abroad to the competent local authorities, are required to be transcribed in the Romanian civil status registers within 6 months from the return to the country or from the reception of the certificate or the state statement abroad civilian. Requests for transcription to be submitted to the local community public office for the registration of persons or to the mayoralty of the administrative-territorial unit of the applicant's place of domicile shall be approved by the mayors, after obtaining the prior approval of S.P.C.J.E.P. The applications registered with the civil status services of the Bucharest municipalities shall be notified in advance by the head of the Local Community Public Service for the Evidence of Persons. Applications for Romanian citizens who have never been domiciled in Romania are transcribed with the approval of the District Mayor of Bucharest 1 and with the prior notice of the General Directorate for the Evidence of Persons of Bucharest. Once the application has been registered, checks shall be carried out to determine:

a) if the holder of the certificate or the birth, marriage or death certificate is a Romanian citizen; checks are carried out at D.G.P. or to the National Authority for Citizenship;

b) if there is another act transcribed or reconstituted in the country; checks shall be carried out in the state-of-the-art registers and, where appropriate, at S.P.C.L.E.P. or at the hometown of the previous housings until the date of the registration of the act by the foreign authorities;

c) if S.P.C.L.E.P / the mayoralty of the administrative-territorial unit where the application has been filed has territorial competence for the approval of the transcription in the case of citizens who are legalized by a passport or travel document; the checks are carried out at the recording structure within the PSPC.E.P. from the last place of residence declared by the applicant.

The request for transcription shall be addressed to the mayor of the territorial-administrative unit within the jurisdiction of which the holder of the certificate / extract is domiciled and shall be made in his / her own name by a special proxy, authenticated according to the legal provisions.

Minors aged over 14 require the birth certificates to be transcribed on their own behalf, assisted by one of the parents or, as the case may be, the guardian, or by proxy special proxy; if the parents have different domicile in the country, the competent

¹ Article 70 of the Government Decision no. 64/2011 on civil status.

² Article 72 of the Government Decision no. 64/2011 on civil status.

mayorality for transcription of the birth certificate may be any of the two mayoralties within the minor's parents' domicile.

For persons who have not reached the age of 18 whose parents have their domicile abroad, the request for transcripts of birth certificates shall be submitted to the mayor's office of the last place of residence of parents in Romania, and if they had different domiciles, at the last home of one of the parents.

For Romanian citizens over 18 years of age residing abroad, the application is addressed to the mayor of the administrative-territorial unit from the last place of residence in the country, with the prior approval of SPCJEP, and if they did not have their domicile in Romania, the Mayor of Sector 1 of the Bucharest Municipality, with the prior notice of the General Directorate of Personal Identification of the City of Bucharest.

Persons who regain Romanian citizenship and prove this with the Certificate of Citizenship issued by the National Citizenship Authority or the diplomatic missions and consular offices of Romania submit the request for transcription of certificates / extracts of civil status, purchased from abroad at SPCLEP / the mayorality of the administrative-territorial units from the last place of residence in the country, before renouncing the Romanian citizenship.

In case of transcription of the marriage certificate, the application is addressed to the mayor of the administrative-territorial unit at the common domicile of the spouses, and if the spouses have different domiciles in the country, to any of the two city halls where they are domiciled.

In the case of transcription of the death certificate, the application is addressed to the mayor of the administrative-territorial unit of the applicant's place of residence, which is also obliged to order checks at the last domicile of the deceased or the mayor of the territorial-administrative unit at the last domicile in the country by the deceased.

The persons who prove the Romanian citizenship with the Certificate of Citizenship issued by the National Citizenship Authority or the diplomatic missions and consular offices of Romania submit the request for transcription of certificates / extracts of civil status, purchased from abroad, to the CSD. - Sector 1; persons who acquire Romanian citizenship and prove their domicile in Romania with a permanent residence permit issued by O.R.I. will address the request for transcription to the mayor of the administrative-territorial unit of the place of residence, according to the data entered in the residence permit¹.

If the holder of the certificate or the civil status statement to be transcribed is not in possession of any document proving the Romanian citizenship as he left the country with his parents during his minority period, and if the applicant was not born in Romania, the city hall competent to transcribe the certificate checks DGP After the registration, the request for transcription shall be submitted to S.P.C.J.E.P., together with the report containing the result of the checks, showing that there is no longer any act transcribed or reconstituted in the Romanian civil status registers.

After checking the documents, S.P.C.J.E.P. returns the entire documentation together with the prior opinion, SPPC, respectively the town-hall of the administrative-territorial unit where the application was filed. Upon receipt of the opinion from the PSC, the Deputy Civil Status Officer presents to the Mayor the report accompanied by the request for approval of the transcript of the civil status certificate or extract.

On the basis of the approval of the request for transcription, as well as the documents submitted by the applicant and his records, the Deputy Civil Status Officer draws up the civil status document and issues the certificate corresponding to the entitled

¹ Article 73 of the Government Decision no. 64/2011 on civil status.

person. After the registration of the civil status document, the request of the applicant, the report with the result of the verifications, endorsed by the CPCJP, the mayor's approval, the authenticated power of attorney, the photocopy and the certified translation of the certificate or the civil status statement are kept in the town hall's own archive; the original of the certificate or the civil status statement shall be returned to the applicant. It is forbidden to transcribe certificates and extracts of civil status purchased from abroad without the prior approval of S.P.C.J.E.P. and without the mayor's approval.

According to Article 77 of the Government Decision no. 64/2011 on civil status, in the case of rejection of the request for transcription by the mayor, following the negative opinion given by S.P.J.E.P., the submitted documents shall be returned to the applicant, communicating the reason for the rejection.

Marriages concluded abroad and divorced are recorded only on the birth certificate; the application, accompanied by the certificate of marriage, in original, photocopy and certified translation, as well as the original divorce sentence, photocopied and authenticated translation, shall be addressed to the mayor of the administrative-territorial unit holding the birth certificate forwarding, for approval, DEPA.BD It is forbidden to enroll the entries received abroad without the approval of D.E.P.A.B.D¹.

Romanian citizens living abroad may apply for their entry in the Romanian civil status records from diplomatic missions or consular offices of Romania, certificates or extracts of civil status issued by foreign authorities, if the registration of the act or the fact civil status was made in advance to the authority of the State of residence; registration is made with the approval of the heads of diplomatic missions or consular posts, and their refusal is motivated.

The application for entry in the Romanian civil status records shall be submitted to the diplomatic mission or to the Romanian consular career office of the country where the registration was made in advance or from the country in the respective consular district. For the registration of birth certificates in the civil status registers of the diplomatic mission or the Romanian consular career, the application will be made by one of the parents, the minor who has reached the age of 14, assisted by one of the parents or, as the case may be, by guardian, or by special proxy. For the registration of the marriage certificates / extracts, the request will be made by the Romanian citizen's spouse, in his own name or by proxy with special proxy; the drafting of the act shall be made only in the circumstances in which it has been established that the Romanian citizen's spouse has entered in the Romanian civil status registers all the changes in the civil status; the proof shall be furnished by the birth certificate or, as the case may be, the marriage certificate, with all the inscriptions, issued by the authorities in the country. For the enrollment of death certificates / extracts, the request will be made by one of the family members or by another entitled person.

The special proxy must be apostilled or legalized by the competent authority, in accordance with local practice. Regarding the change of name and / or surname abroad, regarding the persons whose birth and marriage are registered in Romania, they are mentioned by mentioning civil status acts, they are operated only with the approval of D.E.P.A.B.D.

Romanian citizens living abroad, in whose civil status one of them intervened changes to divorce, adoption, change of names and / or surnames - if the change was made on the basis of a court decision pronounced in one of the Member States of the European Union or in one of the countries with which Romania has concluded treaties / conventions / agreements legal assistance or court decisions which are recognized in advance by the

¹ Article 73 of the Government Decision no. 64/2011 on civil status.

competent court in the country - may submit a request accompanied by supporting documents to the diplomatic or consular career office of Romania in the State of residence with a view to enroll in the status registers civilian changes in their civil status.

M.A.E. - D.C. send D.E.P.A.B.D. the application, together with the entire documentation, on the entry of the statements on civil status documents.

D.E.P.A.B.D. approves the registration of the mentions, proceeds to obtain certificates or civil status statements, as the case may be, and transmits them through M.A.E. - D.C, requesting the holder to pay the relevant consular fees.

As regards the award of the CNP, Article 135 of the H.G. no. 64/2011, provides that Romanian citizens born abroad C.N.P. they are assigned the following:

a) by D.S.C. - Sector 1, for those born between 1 January 1980 and 31 December 2003, if the birth was registered at diplomatic missions or at the Romanian consular career offices abroad;

b) by D.E.P.A.B.D., by B.J.A.B.D.E.P, at the request of the civil status structure within the SPCJE for persons born abroad before 1980, whose birth documents were transcribed in the Romanian civil status registers. C.N.P. assigned to be communicated to the mayoralty of the administrative-territorial unit / S.P.C.L.E.P. with the prior approval of the transcript of the civil status certificate / statement;

c) by S.P.C.L.E.P. or, as the case may be, by the civil status officer in the town-hall of the administrative-territorial unit where the act of birth is transcribed, whether it is a Romanian citizen domiciled in the country or a Romanian citizen domiciled abroad.

In the documents and birth certificates drawn up for children born abroad from 1 January 2004, CN is entered. from the list allocated for each diplomatic mission and consular career of Romania, also enrolling in the consular file submitted to the CSD. - Sector 1; under C.N.P. taken from the list, with a horizontal line, the birth certificate number, the year of registration and the name of the child.

References:

1. Government Decision no. 64 of 26 January 2011 for the approval of the Methodology regarding the unitary application of the provisions regarding civil status, published in the Official Gazette no. 151 of 2 March 2011.