

## Formalisation of legal family formats in Romania

by Iustina Ionescu <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

Edited by Kees Waaldijk,<sup>2</sup> Marie Digoix,<sup>3</sup> Natalie Nikolina,<sup>2</sup> Giuseppe Zago,<sup>2</sup> Daniel Damonzé,<sup>2</sup> Arianna Caporali,<sup>3</sup> Kamel Nait Abdellah <sup>3</sup>

Published by INED, Paris, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)

Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 1 – Formalisation)

© 2017 Iustina Ionescu

<sup>1</sup> Iustina Ionescu (Director of Programs, Euroregional Center for Public Initiatives) is grateful for the useful comments that Constantin Cojocariu (Human rights lawyer and consultant, [www.pedreptvorbind.blogspot.com](http://www.pedreptvorbind.blogspot.com)) made on an earlier version of the answers in this section of the database.

<sup>2</sup> [Grotius Centre for International Legal Studies](#), Leiden University, Netherlands, [www.leiden.edu](http://www.leiden.edu).



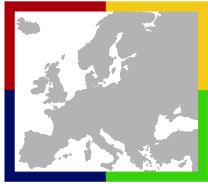
<sup>3</sup> Institut national d'études démographiques, Paris, France, [www.ined.fr](http://www.ined.fr).



**Recommended citation:**  
I. Ionescu, 'Formalisation of legal family formats in Romania', in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu) (question 1.x).

## Acknowledgment

The research leading to these results has received funding from the European Union's Seventh Framework Programme (FP7/2007-2013) under grant agreement no. 320116 for the research project FamiliesAndSocieties, [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).



# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](http://www.LawsAndFamilies.eu) is based on the [LawsAndFamilies questionnaire](http://www.LawsAndFamilies.eu), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](http://www.LawsAndFamilies.eu), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](http://www.LawsAndFamilies.eu) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper 64(2016)*, [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](http://www.LawsAndFamilies.eu) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](http://www.LawsAndFamilies.eu).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Romania

The answers concerning Romania can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

#### Formalisation of legal family formats in Romania by Iustina Ionescu (Section 1)

#### Income, troubles and legal family formats in Romania by Constantin Cojocariu (Section 2)

#### Parenting and legal family formats in Romania by Constantin Cojocariu (Section 3)

#### Migration and legal family formats in Romania by Iustina Ionescu (Section 4)

#### Splitting up and legal family formats in Romania by Constantin Cojocariu (Section 5)

#### Death and legal family formats in Romania by Iustina Ionescu (Section 6)

So this paper is based on **Section 1 (Formalisation)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 1.1 Legal family formats
- 1.2 Two siblings
- 1.3 With resident foreigner
- 1.4 With non-resident foreigner
- 1.5 Two foreigners
- 1.6 Two resident foreigners
- 1.7 Two non-resident foreigners
- 1.8 Start at registry
- 1.9 Start at public authority
- 1.10 Start at religious building
- 1.11 Contract
- 1.12 Statutory contract
- 1.13 Surname
- 1.14 Living together
- 1.15 Sex
- 1.16 General background regarding formalisation
- 1.17 Literature

In the following pages of this paper, first the answers to questions 1.16 and 1.17 are presented, followed by the answers to questions 1.1 to 1.15.

**1.16 - General background regarding formalisation (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, constitutional, legal-cultural, religious, etc.) that may be relevant for the understanding of your answers above regarding formalisation, then please do so here.

**1.17 - Literature (Open question)**

Please list some relevant literature about the family formats concerned, especially in English and/or online (with web links).

**Article 277 of the new Civil Code explicitly prohibits marriage between same-sex couples and the recognition of marriages and civil partnerships between same-sex couples concluded abroad. The new Civil Code (adopted in July 2009) came into force on 1 October 2011. Paragraph (4) of article 277 stipulates that the provisions regarding the freedom of movement of EU citizens on the territory of Romania remain applicable despite the interdiction regarding recognition. However, in practice, the General Inspectorate of Immigration refused a same-sex married couple married in Belgium to establish residence in Romania based on Directive 38/2004. Paragraphs (2) and (4) of article 277 are currently under review by the Constitutional Court in the above-mentioned case. In 2013, attempts were made to introduce the first prohibition in the Constitution, too. At the end of 2015 a group of citizens with the support of the Romanian Orthodox Church proposed an initiative to organise a referendum for the amendment of Article 48 of the Constitution. The initiative aims to change the definition of family to be understood strictly as marriage between a man and a woman. In July 2016, the Constitutional Court approved the initiative and allowed it to pass in the Parliament where there will be a vote whether to organise or not a referendum on this topic.**

**No relevant literature is available in English and/or online.**

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.01 - Legal family formats**

Which of the three legal family formats mentioned here are available to different-sex and/or same-sex couples?

(For the distinction between registered partnership and cohabitation, see section e of the [Guidance for experts answering questions in the questionnaire](#). If there are two or more formats available for informally cohabiting couples, then please mention these formats separately in the explanation to this question.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 No 2011	2015 No 0000	2015 No 0000	2015 No, but 2002	2015 No 0000
Yes 0000	No 0000			No 0000	
<b>References to legal sources:</b> Art. 271 and 277 of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.  Until 2011, Family Code of 1953 was applicable.		<b>References to legal sources:</b>		<b>References to legal sources:</b>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Art. 271 of the Civil Code stipulates that marriage is between a man and a woman.</p> <p>Art. 277(1) of the Civil Code forbids marriage of same-sex couples: "Marriage between persons of the same sex is forbidden."</p> <p>The 1953 Family Code referred to marriage as the union between spouses, without mentioning gender; there was no explicit interdiction, but it was understood that marriage is only between a man and a woman.</p>		<p><b>Explanations and nuances:</b>                      Registered partnership is not available in Romanian legislation, for neither different-sex, nor same-sex couples.</p>		<p><b>Explanations and nuances:</b>                      Cohabitation in general is not recognised in Romanian legislation, for neither different-sex, nor same-sex couples. However, different-sex cohabitation has been recognised in legislation on domestic violence (since 2003, see question 2.7) and also to some degree in immigration law (since 2002, see question 4.1). See also questions 2.2 (social benefits), 3.9 (second-parent adoption) and 4.4 (immigration of partner of EU citizen).</p>	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.02 - Two siblings**

Is starting this type of relationship legally possible for two siblings?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 0000	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
<b>References to legal sources:</b> Art. 274 of Law 287 of 17 July 2009 regarding the Civil Code.		<b>References to legal sources:</b>		<b>References to legal sources:</b>	
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> Cohabitation of different-sex or same-sex couples is not regulated in Romanian law.	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.03 - With resident foreigner**

Is starting this type of relationship legally possible for a national citizen and a foreigner both residing in the country?  
(As to the meaning of "residing", see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1996	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
Yes 1960				X	X
<p><b>References to legal sources:</b> Art. 4.1 of Law No. 119 of 16 October 1996 on civil status documents.</p> <p>Art. 3 of Government Decision No. 64 of 26 January 2011 on the approval of the Methodology for the uniform application of the law in the field of civil status.</p> <p>Art. 4 of Decree No. 278 of 23 July 1960 on civil status documents.</p>		<p><b>References to legal sources:</b></p>			



Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.04 - With non-resident foreigner**

Is starting this type of relationship legally possible for a national citizen residing in the country and a foreigner residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
? 0000				X	X
<b>References to legal sources:</b> Art. 3 of Government Decision No. 64 of 26 January 2011 on the approval of the Methodology for the uniform application of the law in the field of civil status.		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.05 - Two foreigners**

Is starting this type of relationship legally possible for two foreigners, only one of whom is residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1996	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
Yes 1960				X	X
<b>References to legal sources:</b> Art. 4.1 of Law No. 119 of 16 October 1996 on civil status documents.  Art. 3 of Government Decision No.64 of 26 January 2011 on the approval of the Methodology for the uniform application of the law in the field of civil status.  Art. 4 of Decree No. 278 of 23 July 1960 on civil status documents.		<b>References to legal sources:</b>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.06 - Two resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing in the country?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1996	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
Yes 1960				X	X
<p><b>References to legal sources:</b>                      Art. 4.1 of Law No.119 of 16 October 1996 on civil status documents.</p> <p>Art. 3 of Government Decision No.64 of 26 January 2011 on the approval of the Methodology for the uniform application of the law in the field of civil status.</p> <p>Art. 4 of Decree No. 278 of 23 July 1960 on civil status documents.</p>		<p><b>References to legal sources:</b></p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
Explanations and nuances:		Explanations and nuances:			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.07 - Two non-resident foreigners**

Is starting this type of relationship legally possible for two foreigners residing abroad?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 1996	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
? 0000				X	X
<b>References to legal sources:</b> Art. 4.1 of Law No.119 of 16 October 1996 on civil status documents.  Art. 3 of Government Decision No.64 of 26 January 2011 on the approval of the Methodology for the uniform application of the law in the field of civil status.		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.08 - Start at registry**

Can you legally start this type of relationship at the registry of births, marriages and deaths (État civil, Standesamt)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
Yes 1953				X	X
<b>References to legal sources:</b> Art. 287 of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.  Before 2011, the applicable law was the Family Code of 1953.		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			



Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.09 - Start at public authority**

Can you legally start this type of relationship at another public authority (e.g. notary public, local population administration, court)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
No 1953				X	X
<b>References to legal sources:</b> Art. 287 of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.  Previous applicable law was the Family Code of 1953.		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.10 - Start at religious building**

Can you legally start this type of relationship at a church, synagogue, mosque or other religious building?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	X	X
No 1953				X	X
<b>References to legal sources:</b> Art. 287 of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.  Before 2011, the applicable law was the Family Code of 1953.		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>			

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.11 - Contract**

Can the partners make a contract (with or without third-party effect) to organise their relationship, for example with regard to property or personal obligations? (Think of prenuptial contracts and cohabitation contracts.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 Doubt 0000	2015 Doubt 0000
No 1953					
<b>References to legal sources:</b> Art. 329 of Law 287 of 17 July 2009 regarding the Civil Code.  Chapter III, Section II, of the Family Code of 1953.		<b>References to legal sources:</b>		<b>References to legal sources:</b>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b>		<b>Explanations and nuances:</b> In theory, individuals may conclude any type of contract that is not against the law. A cohabitation contract would be a sui generis contract. If such a contract would be concluded it would not have third-party effect. The national expert is not aware of such contracts being concluded in practice.	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.12 - Statutory contract**

Are there specific statutory rules regarding such a contract?

(See question 1.11 about the possibility for the partners to make a contract to organise their relationship.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
No 1953					
<p><b>References to legal sources:</b> Chapter VI, Section 1, Subsection 4, of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.</p> <p>Before 2011, the applicable law was the Family Code of 1953.</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b></p>	
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Cohabitation is not regulated for different-sex or same-sex partners in Romanian law.</p>	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.13 - Surname**

Can (or must) one partner use or have the surname of the other partner?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
Yes 1953					
<p><b>References to legal sources:</b> Art. 282 of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.</p> <p>Before 2011, the applicable law was the Family Code of 1953.</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b></p>	
<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Cohabitation is not regulated for different-sex or same-sex partners under Romanian law.</p>	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.14 - Living together**

Do partners in this type of relationship have a duty to live together in the same house?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
? 1953					
<p><b>References to legal sources:</b> Art. 309(2) of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b></p>	
<p><b>Explanations and nuances:</b> The two spouses have the duty to live together in the same house, except for serious reasons they may decide to live separately. Before 2011, the Family Code of 1953, which was the applicable law, did not stipulate any provision about the joint residence of the couple.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Cohabitation is not regulated for different-sex or same-sex partners under Romanian law.</p>	

Jurisdiction: **Romania**

Source: I. Ionescu, "Formalisation of legal family formats in Romania". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-RO-Section1.pdf](#) (please use this full citation when citing any information from this table).

Section: **1 - Formalisation**

Question: **1.15 - Sex**

Does the law require relationships of this type to be sexual or intimate?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 No, but 2011	2015 N/A 0000	2015 N/A 0000	2015 N/A 0000	2015 No 0000	2015 No 0000
?					
<p><b>References to legal sources:</b> Art. 309(1) of Law 287 of 17 July 2009 regarding the Civil Code. The new Civil Code entered into force on 1 October 2011.</p>		<p><b>References to legal sources:</b></p>		<p><b>References to legal sources:</b></p>	
<p><b>Explanations and nuances:</b> The law does not require explicitly relationships of this type to be sexual or intimate, but the two spouses have the duty of fidelity. Before 2011, the Family Code, which was the applicable law, did not stipulate any provision in this sense.</p>		<p><b>Explanations and nuances:</b></p>		<p><b>Explanations and nuances:</b> Cohabitation is not regulated for different-sex or same-sex partners under Romanian law.</p>	