

Romania<sup>1</sup> – national procedures for mutual legal assistance in criminal matters

States Parties are requested to fill in this table with the necessary information and return it to the Secretariat of the PC-OC. The information contained in this table should be updated on a yearly basis.

<p>The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for mutual legal assistance:</p>	<p>There are 3 central authorities responsible for MLA requests:</p> <p><b>Ministry of Justice</b>-for requests formulated during trial and execution stage          Directorate International Law and Judicial Cooperation          Division for International Judicial Cooperation in Criminal Matters          Address: Apolodor Street, No.17, Sector 5, Bucharest 050741          Office hours: 9.00-17.00          Tel: 0040 37 204 10 77 (Secretariat)                0040 37 204 10 82/85/87          Fax: 00 40 37 204 10 79/84          Email: centralauthority_copen@just.ro                dreptinternational@just.ro          Languages of communication with the personnel: RO, EN, FR, ES, IT</p> <p><b>Prosecutor's Office of the High Court of Cassation and Justice</b>-for requests formulated during investigation and criminal prosecution stage          3 different structures competent depending on the type of offence</p> <p><a href="#">Directorate for Investigating Organized Crime and Terrorism Offences-DIICOT</a>-for organized crime and terrorism offences          Office for International Judicial Assistance          Address: Libertății Blvd, No.12-14, Sector 5, Bucharest          Tel: 0040 21 319 39 33                0040 319 38 56          Fax: 0040 21 319 38 58          Language of communication with the personnel: RO, EN, FR, IT</p> <p><a href="#">National Anticorruption Directorate</a>-for corruption offences          Adress: Știrbey Vodă, 79-81, Sector 1, Bucharest, 010106          Tel: 0040 21 312 14 97          Fax: 0040 21 312 51 44  <a href="http://www.pna.ro">www.pna.ro</a>          Language of communication with the personnel: RO, EN, FR</p>
---	--

<sup>1</sup> Updated 5 March 2014.

	<p>Service for International Cooperation, International Relations and Programms- for other offences  Office for International Judicial Assistance  Address: Libertății Blvd, No.12-14, Sector 5, Bucharest  Tel:0040 21 319 39 24  Fax: 0040 21 319 39 33  Email: coop@mpublic.ro  Language of communication with the personnel: RO, FR, EN  <a href="http://www.mpublic.ro">www.mpublic.ro</a></p> <p><b>Ministry of Internal Affairs</b> -for requests referring to the criminal record(Art. 15 paragraph 3 of the Convention)  General Inspectorate of the Romanian Police  Directorate Criminal Record, Statistics and Operational Records  Address:Șoseaua Ștefan cel Mare, Nr. 13-15, Sector 2, Bucharest  Tel:0040 21 316 49 75  Fax:0040 21 317 87 90  Email:cazier@politiaromana.ro</p> <p><b>Also:</b>  For <b>cross-border observations</b>-central authority is the Ministry of Justice(Art.17 paragraph 1) and 2) of the Second Additional Protocol) ( nevertheless, for EU Member-States who are parties to 2000 Convention the central authority is the Prosecutor’s Office of the High Court of Cassation and Justice)  For <b>control deliveries</b>-central authority is the Prosecutor’s Office attached to the High Court of Cassation and Justice(Art. 18, paragraph 4 of the Second Additional Protocol)  For <b>criminal covert investigation</b>- central authority is the Prosecutor’s Office attached to the High Court of Cassation and Justice (Art. 19 paragraph 4 of the Second Additional Protocol)  For <b>temporary transfer and <i>denunciation officielle</i></b>(Art. 11 and 21 from the Convention and Art.13 and 14 of the Second Additional Protocol)-central authority is Ministry of Justice  For <b>freezing and confiscation</b>-central authority is the Ministry of Justice</p>
If different from the Central	See above

<p>Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):</p>	<p>Competent authorities to execute under different type of MLA requests, in case direct contact is used under 2<sup>nd</sup> Additional Protocol:</p> <p><b>Videoconference:</b></p> <ul style="list-style-type: none"> <li>-during trial stage-the courts of appeal</li> <li>-during prosecution stage-prosecutor's offices attached to the courts of appeal</li> </ul> <p><b>Notification of documents</b>(summons, indictment, criminal judgments)</p> <ul style="list-style-type: none"> <li>-during trial stage-first instance court where the person domiciles or the detention place is located</li> <li>-during criminal prosecution stage-the prosecutor's office attached to the first instance court</li> </ul> <p>For a list of the Romanian judicial authorities, please see the European Judicial Atlas</p> <p><b>Freezing and confiscation</b>-in case of direct contact-competent the district court where the good is located (See for details Art. 140 paragraph 4 of Law 302/2004)</p> <p>Also for those CoE countries which are also EU members there are applicable certain types of cooperation based on relevant framework decisions(confiscation, freezing, supervision, probation, financial penalties)</p> <p>Relevant information to be found on the website of the European Judicial Network</p>
<p>Channels of communication for the request for mutual legal assistance (directly, through diplomatic channels or other):</p>	<p><b>Direct contact</b> between central authorities is the rule. Also, for urgent cases, if the other State is party to the Second Additional Protocol <b>direct contact between issuing and executing judicial</b> authorities is strongly recommended and used de facto(with copies of the request sent to MoJ or Prosecutor's Office attached to the HCCJ, as the case may be)</p> <p>Interpol channel is accepted when RO is Executing State but highly recommended to be used the direct contact, especially in very urgent cases. <b>Interpol channels should be used only as an exception.</b></p> <p>Also use of existing networks, when applicable(EUROJUST, EJN and PC-OC contact points)</p>
<p>Means of communication (eg. by post, fax, e-mail<sup>2</sup>):</p>	<p><b>Expedited means of communication is the rule.</b></p> <p>Fax and email (scanned copies of the documents) with formal confirmation to follow by post.</p>

<sup>1</sup> Please indicate if encryption or electronic signature is required.

Language requirements:	<p>MLA requests should be translated into one of the CoE languages.</p> <p>English, French are most commonly used and preferable when urgent requests are sent and translation into Romanian is not available.</p> <p>Also when bilateral treaties comprise more favorable provisions with regard to the language requirements, these rules will become applicable. This would also entail the reciprocity rule.</p>
Double criminality requirement, if applicable:	<p>Double criminality is not a prerequisite under Romanian law</p> <p>As an exception double criminality is required for MLA requests for search an</p>
Limitation of use of evidence obtained:	<p>Speciality rule is stipulated in Law 302/2004, Art 186 and it applies for the evidences and information obtained when Romanian authorities are both issuing or executing</p>
Other particularly relevant information (e.g. documentation required for special types of assistance):	<p>The MLA requests need additional information as regard handling of objects and searches(Art. 176 of Law no. 302/2004 on international judicial cooperation in criminal matters-translation to be provided later on)</p> <p>Also some types of MLA requests are submitted under special conditions (.e.g cross-border operations, videoconference, JITs)-for details, please see Law 302/2004 on international judicial cooperation in criminal matters</p>
Links to national legislation, national guides on procedure:	<p>The main domestic framework is represented by Law 302/2004 on international judicial cooperation in criminal matters</p> <p>Due to recent legislative reform, the relevant provisions from the above law dully translated into English will be provided later on.</p> <p>Also, the national guide referring to MLA is also being redrafted and the relevant link will be provided later on</p>
Parties to the Second Additional Protocol: Link to database with contact details of competent authorities for the purpose of direct transmission of MLA requests	<p>Please see the website of the European Judicial Network</p> <p><a href="http://www.ejn-crimjust.europa.eu/ejn/EJN_AtlasAdvanced.aspx">http://www.ejn-crimjust.europa.eu/ejn/EJN_AtlasAdvanced.aspx</a></p>