

ROMANIA¹ – national procedures for extradition

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.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	Ministry of Justice of Romania, Directorate for International Law and Judicial Cooperation Apolodor 17 street, sector 5, 050741 Bucharest, Romania Phone: +40 372 041 077 Fax:+40 372 041 079 /084 Email: centralauthority_copen@just.ro
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	Not the case
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Directly (diplomatic channel is needed only if so regulated by the bilateral treaty applicable)
Means of communication (eg. by post, fax, e-mail ²):	First by fax or email and later by post (the originals)
Language requirements:	Romanian, English, French

¹ Updated 5 March 2014.

² Please indicate if encryption or electronic signature is required.

Documentation required:	<ul style="list-style-type: none"> - according to the stage of the criminal trial, the originals or the authenticated copies of the final sentence, with a mention of the fact that it has become final, of the decisions handed down following the exercise of means of judicial review, of the warrant for the service of imprisonment, and respectively, the originals or authenticated copies of the provisional arrest warrant, of the prosecutor's charges and of other documents that have legal power; - a presentation of the facts for which extradition is being requested; - a copy of the legal provisions applicable or, if this is not possible, a statement concerning the law applicable, as well as the most accurate distinctive marks of the person sought and any other information likely to determine the latter's identity and nationality; - data concerning the length of the penalty not served, in case of requests for extradition of a sentenced person who has served only part of the penalty. 	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	40 days or as provided in the bilateral treaty applicable (e.g 60 days, in case of the request issued by US)
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	Usually no
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p><u>Normal procedure:</u> In urgent cases, the requesting State may request the provisional arrest of the requested person, before a request for extradition is submitted. A provisional arrest request may be appropriate when it is believed that the person sought may flee the jurisdiction (it is not the case if the person is detained in order to serve a sentence applied by a Romanian court).</p>	

	<p>The extradition procedure is purely judicial and the examination of the request of extradition is made solely on the documents submitted with the extradition request.</p> <p>The purpose of such examination is to verify whether the formal conditions for extradition have been met.</p> <p>Thus, the Romanian law does not provide for an examination of the substance of the case, and of the evidence to determine whether there is 'reasonable and probable cause'.</p> <p>The judicial procedure of extradition is of the competence of the court of appeal within the jurisdiction of which the person sought domiciles or has been identified and to the public prosecutor's office attached to it.</p> <p>Upon the request for provisional arrest in view of extradition and the request for extradition the decision is taken by the criminal section of the competent court of appeal.</p> <p>The decision handed down regarding the request for extradition is subject to appeal on points of law.</p> <p><u>Simplified extradition</u>: if the person, when heard by the court, consents to his/her extradition, it is no longer necessary to present a formal request for extradition if it is thus provided in the international convention applicable in relation to the Requested State or if the legislation of that State allows such a simplified extradition procedure and it has been applied to requests for extradition submitted by Romania.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>In cases of emergency, the competent authorities of the Requesting State may request the provisional arrest of the requested person, even before the drawing up and sending of the formal request for extradition.</p> <p>A request for provisional arrest in view of extradition must specify the existence of a warrant for provisional arrest or of a warrant for service of a penalty applied by a final court judgment against the requested person, a brief presentation of the acts, which needs to specify the date and place of commission and mention the legal provisions applicable, as well as the available data regarding the identity, citizenship</p>

	<p>and location of the person.</p> <p>It is mentioned that a red notice or a diffusion for international search transmitted through Interpol channels is equivalent to a request for provisional arrest with a view of extradition, if this aspect is specified in the applicable treaty or there is reciprocity in relation to the requesting state.</p> <p>Provisional arrest will end after 40 days, if in this time interval the request for extradition and the necessary documents are not received, unless a bilateral treaty specifies a different limit for the duration of provisional arrest.</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>The status of limitation for criminal liability are, according to article 154 of the Romanian Criminal code in force:</p> <ul style="list-style-type: none"> a) 15 years, when the law provides life imprisonment or imprisonment for more than 20 years for the offence committed; b) 10 years, when the law provides imprisonment from 10 to 20 years for the offence committed; c) 8 years, when the law provides imprisonment for more than 5 years, while not exceeding 10 years, for the offence committed; d) 5 years, when the law provides imprisonment from one year to 5 years for the offence committed; e) 3 years, when the law provides imprisonment not exceeding one year or a fine. <p>The terms shall be computed from the date of commission of the offence. For continuous offences, the term starts at the date of termination of the action or inaction, and for continued offences, at the date of commission of the last action or inaction.</p> <p>The status of limitations for the execution of the sentences are, according to article 162 of the Romanian Criminal code in force:</p> <p>: a) 20 years, when the penalty to be served is life imprisonment or imprisonment for more than 15 years;</p>

	<p>b) 5 years, plus the length of the penalty to be served, while not exceeding 15 years, in case of the other penalties of imprisonment;</p> <p>c) 3 years, if the penalty is a fine.</p> <p>The terms shall be calculated from the date when the decision of conviction remains final. In case of revocation of conditional suspension of a penalty, of supervised suspension of penalty or, the case being, of penalty service at the workplace, the terms shall begin its course from the date when the decision of revocation remains final.</p>
<p>Provisions concerning extradition of nationals:</p>	<p>Romanian citizens may be extradited from Romania based on the multilateral international conventions to which Romania is a party and based on reciprocity, <i>only if at least one of the following conditions is met:</i></p> <p>a) the person sought domiciles in the Requesting State at the date when the request for extradition is made;</p> <p>b) the person sought also has the citizenship of the Requesting State;</p> <p>c) the person sought committed the act in the territory or against a citizen of a European Union Member State, if the Requesting State is a Member of the European Union.</p> <p>In the events provided at lett. a) and c), when extradition is being requested in view of criminal prosecution or trial, a supplementary condition requires that the Requesting State provide assurances deemed as sufficient that, should he or she be sentenced to a custodial penalty through a final court judgment, the extradited person will be transferred to Romania to serve the penalty.</p> <p>Romanian citizens may be extradited also based on the provisions of bilateral treaties and based on reciprocity.</p> <p>The condition of reciprocity is verified by the MOJ before the case be submitted to the judicial authorities.</p>
<p>Surrender (eg. deadlines):</p>	<p>The Centre for International Police Cooperation within the General Inspectorate of the Romanian Police, through the National Office Interpol establishes the date, in agreement</p>

	with the foreign competent authorities. If the person sought is not taken over at the appointed date, he may be released within 15 days from this date; this term may be extended only by 15 days more.
Other particularly relevant information (such as, specific requirements concerning double criminality):	Extradition may be allowed only if the deed of which the person the extradition of whom is being requested has been accused or for which he has been convicted is provided as an offence both in the law of the Requesting State and in Romanian law.
Links to national legislation, national guides on procedure	Website under construction Relevant laws: Law No. 302/2004 on international judicial cooperation in criminal matters, Criminal code