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EUROPEAN INVESTIGATION ORDER: SPECIFIC ASPECTS OF TRANSPOSITION IN ROMANIA

LEGAL FRAMEWORK:

Law 302/2004 on criminal cooperation in criminal matters, as amended by Law 236/2017, corroborated with the Criminal Procedure Code and the Criminal Code (2014)

SPECIFIC ASPECTS – ISSUING STATE

Only by judicial authorities [art. 268³ (1) Law 302/2004]

- Under Romanian law, administrative authorities are not considered investigating authorities in criminal proceedings;
- Judges for Rights and Liberties – competent for special investigation and surveillance methods (including, *inter alia*, wiretapping of communications or of any type of remote communication; accessing a computer system; obtaining data regarding the financial transactions of individuals; use of undercover investigators and informants, controlled deliveries), the approval of these methods is subject to specific conditions (fundamental rights safeguards).

SPECIFIC ASPECTS – EXECUTING STATE

Languages: accepted languages Romanian, English, French (art. 14 Law 302/2004).

Competent authorities: prosecutor's office or court determined by general competence criteria

However, two special competencies for organized crime offences and corruption [art. 268³ (2) Law 302/2004]:

- **Directorate against Organised Crime and Terrorism – DIICOT** (all forms of organized crime – economic criminality, cyber offences, trafficking in drugs and persons, terrorism)

- **National Anti-corruption Directorate – DNA** (mid and high level corruption offences, offences in direct connection with corruption offences, assimilated corruption offences)

Central authorities: Ministry of Justice; Public Ministry (Prosecution Service).

Costs

- Rule: cost are incurred by RO as executing state;
- Exceptions (incurred by the issuing state, deemed by law extraordinary costs): travel expenses for witnesses and experts, expert fees, **costs of transferring objects and persons**, transit costs for the transfer of persons, **videoconferences**, other extraordinary costs. Exceptionally, the issuing and executing RO authorities can decide a different allocation of costs.

Non-available measures

Hearing by telephone conference (art. 25 EIO Directive) – not possible under RO law, the option of videoconference will be used instead.