



The Transfer of Sentenced Persons Held in a Penitentiary or Health Unit in Romania, in order to execute the Sentence in other EU Member State. Critical Reviews

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Abstract: In this paper we have examined the institution of transferring sentenced persons held in a penitentiary or medical facility in Romania, in order to serve the sentence in the other Member States of the European Union, a new institution introduced in the Romanian law. The innovations that this paper brings regard actually the conducted examination and some critical opinions that aim at contributing to the improvement of the legislation in this very complex domain. The critical opinions aim the imperfections in terms of the institution of the judge appointed for execution, which is different, as in these three legislative acts this institution appears under different names, the questionable competence given that the judge and the absence of provisions governing the procedure for transferring minors executing a custodial educational measure. With a focus primarily on critical examination but also on the provisions of major importance in terms of judicial cooperation in criminal matters at EU level, the article continues further studies and research in the field, published in the recent years. The paper can be useful to academics, practitioners and equally to the legislator who intends to promote a series of changes and additions to the provisions of the framework law to which we referred.

Keywords: transferring conditions; the judge appointed for the execution of sentences; initiation of transmission procedure

1. Introduction

The recognition and enforcement of foreign criminal judgments and implicitly the transfer of the sentenced persons in order to execute the criminal law sanction of deprivation of liberty in a State other than the one of conviction, is currently the most important form of international judicial cooperation in criminal matters.

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Over time, at international level (this applies to both Europe and worldwide), this form of judicial cooperation between the countries of the world, although it was not explicitly recognized, it was the basis for judicial cooperation in criminal matters, the best example from this point of view being the conventions and bilateral or regional treaties governing the institution of extradition.

In other words, the institution of extradition was possible primarily due to the emergence and perfecting this form of judicial cooperation, namely recognition and enforcement of criminal judgments emanating from a competent authority of another State (Rusu & Rusu, 2013, pp. 83-84).

The importance of this form of international judicial cooperation in criminal matters was brought before by the doctrine even from the beginning of last century, arguing that the administration of criminal justice fully and effectively would not be possible if the effects of criminal judgments would confine only to the territory of State where they were passed (de Vabres, 1928, p. 303).

In Romania this form of international judicial cooperation in criminal matters is governed by Title VI, Chapter III, Section 1 of Law no. 302/2004 on international judicial cooperation in criminal matters¹.

Given its complexity, the institution of transferring sentenced persons held in a penitentiary or medical facility in Romania, in order to enforce the sanction in other Member States of the European Union, involves executing a group of activities that is completed by transferring the person concerned in the State member.

The activity itself involves the intervention of judicial authority bodies from both countries involved, which will cooperate under the provisions of the European legal instruments and the internal law of each of the two Member States.

2. The Attributions of the Ministry of Justice in Romania

Under the Romanian law, in case of transfer from Romania in another EU Member State of the convicted person serving a sentence or under a measure of deprivation

¹ Law no. 302/2004 on international judicial cooperation in criminal matters, published in the Official Monitor of Romania, Part I, no. 594 of 1 July 2004, subsequently supplemented and amended by several acts, republished, published in the Official Monitor of Romania, Part I, no. 377 of 31 May 2011, the last change being promoted by Law no. 300/2013 amending and supplementing Law no. 302/2004 on international judicial cooperation in criminal matters, published in the Official Monitor of Romania, Part I, no. 772 of 11 December 2013.

of liberty, the Ministry of Justice, by its specialized directorate shall have the following attributions:

- receipt of the request to initiate the procedure for transmitting towards the State of execution of the judgment and the certificate (the certificate provided for in Annex no. 5 of the Special Law);
- filling in the certificate mentioned above and sending it together with the judgment to the competent authority of the executing State;
- to require an authorized translator for the translation of the certificate and, where appropriate, the Romanian judgment, and any other additional information;
- to require the executing State, before or no later than the date of submission of the certificate, the legal provisions on early release or probation, as well as information on their application in the case of the sentence to which the person was convicted;
- to notify the convicted person on the decision on the judgment and the certificate;
- to notify the convicted person the decision of the executing State on sentence execution;
- to require ex officio or at the request of the competent Romanian judicial authority, the withdrawal of the certificate sent to the executing State;
- to inform the executing State on the amnesty or pardon granted after the transfer of the convicted person;
- to notify the executing State on the requested additional information (art. 164 of the Special Law).

We note that the legislator has provided the attributions of the specialized directorate of the Ministry of Justice in a chronological order, starting with receiving the receipt of the transmission procedure of the executing State of the final judgment and of the certificate.

We should mention that the initiation of transmission of the final judgment and the certificate may be requested both by the convicted person and the executing State (Boroi, Rusu & Rusu, 2016)

3. Consulting the Executing State

Within the procedure of transferring sentenced persons in a penitentiary or medical facility in Romania, in order to serve the execution of the sentence in another

Member State of the European Union, the specialized directorate of the Ministry of Justice shall consult with the competent authorities of the executing State whenever it is necessary.

Regarding the consultation, we mention that according to the law, this would be achieved whenever it is deemed necessary, no matter who requested the initiation of the procedure for forwarding a judgment and the certificate.

At the same time, the consultation will be mandatory (under the Romanian Special Law) in the following situations:

- The convicted person is a citizen of the executing State and, although he is not living on its territory, he will be expelled in this state;
- The convicted person wishes to be transferred to the executing State, even if he is not a citizen of the executing State and he does not live in the territory thereof, or he is a citizen of the executing State and, although he is not living on its territory, he will have been expelled in this state.

If after consulting and the notification submitted by the competent authority of the executing state it reaches to the conclusion that serving the sentence in the executing State would not serve the purpose of facilitating social rehabilitation and reintegration of the convicted person, the Ministry of Justice through its specialized directorate notices the person convicted and, where applicable, the executing court or the court of jurisdiction over the place of detention the taken decision (Boroi, Rusu & Rusu, 2016)

4. The Requirements for Submission in order to enforce the Romanian Judgment

According to the Romanian law, any person convicted in Romania may apply directly or through delegated judge for the execution of the measures of deprivation of liberty sentences, assigned to the penitentiary in which he is situated, initiating the transmission by the State of execution of the Romanian judgment and the certificate (provided in Annex no. 5) if they are in one of the following situations:

- a) he is a citizen of the executing State and lives on its territory; or
- b) he is a citizen of the executing State, he does not live in its territory, but he will be expelled from the concerned territory; or

c) he do not fall into one of the assumptions referred to in subparagraph a) and b), but he wishes to be transferred in the executing State [art. 166, par. (1) of the Special Law].

Please note that the request for initiating the transfer procedure of the sentenced person can belong also to the executing state not only to the individual concerned.

If the sentenced person has the citizenship of two Member States of the European Union and when they live in another state than that of his nationality, it will be mentioned in the application in which the two countries he wishes to be transferred. In this case, the court decision and the certificate shall be forwarded once, to a single state (in the one mentioned in the application).

The transfer procedure will not be initiated when it was ordered the postponement or interruption of the enforcement of imprisonment or life imprisonment, or the removal or alteration of the punishment. Also, this procedure will not start when the convicted person eluded from the execution of the sentence, leaving the Romanian territory, and for the enforcement of the judgment it was appealed prior to the procedure of extradition or the European arrest warrant.

The request for the initiation of the procedure required the obligation to pass the state of execution the judgment and the certificate, with the following exceptions:

- a) after consultation, it is considered either the executing State or by the competent Romanian authorities, that the execution of the sentence in the executing State it would not serve the purpose of social reintegration of the convicted person; or
- b) until the date of the initiation, the convicted person has not paid a criminal fine, judicial fine, legal costs required by the State, the ones appropriate to the parties and civil damages; or
- c) the convicted person has to serve less than 6 months in prison or to be released on parole before the execution of the sentence in full within 6 months; or
- d) the judgment is not final or it is against a convicted person who has exercised extraordinary appeal; or
- e) the convicted person is under investigation in another criminal case; or
- f) the person has been convicted of serious crimes who had a deeply negative echo in public opinion in Romania; or
- g) the maximum punishment provided by the law of the issuing State is lower than the maximum provided in the Romanian Criminal Law (Boroi, Rusu & Rusu, 2016).

According to Romanian law it is notwithstanding from the provisions of par. (3) and (4), letters a) -c), f) and g), the request for the initiation of the transfer by the State of execution of the Romanian judgment and certificate will attract the obligation to forward the judgment and the certificate to the executing State, if the convicted person was previously received, under a European arrest warrant issued by a Romanian court or the request for extradition made by the Ministry of Justice, provided that, in case of conviction, the person is returned to the executing State.

The interpretation of the above provisions enables us to formulate the opinion according to which that, under this procedure, usually the Romanian state is obliged to submit to the executing State the judgment and the certificate when the conditions provided by law are met, and refusing the request for the initiation procedure is an exception.

In other words, in the case where a citizen convicted in Romania calls directly or through delegated judge for the execution of deprivation of liberty sentences, assigned to the penitentiary where he is located, initiating the transmission procedure to a particular Member State of the European Union of the court decision and the certificate, the competent Romanian authorities will first proceed in verifying the conditions laid down by the Romanian law, following that after finding their fulfillment to decide whether or not initiate the transmission procedure.

Very important it seems to be the checking of the conditions mentioned above and provided by the Special Law in art. 166, par. (4), in which case identifying whether one of them will necessarily lead to the refusal of initiating the procedure.

However we believe that at least one of the reasons once discovered will result in the refusal of the initiation of the transmission of the judgment and the certificate to the state of execution is at least questionable, if not inappropriate.

This applies to the condition according to which the initiation of proceedings will be refused in the case where the maximum punishment provided by the law of the issuer is less than the maximum provided by the Romanian law.

This view is supported by recent doctrine which states that those provisions are at least questionable, if not inappropriate, as long as the Romanian law provides the possibility of re-individualization of the criminal law sanction applied by judicial authorities of another state, exceeding the special maximum provided the Romanian law, in the sense of the applying the sanction provided in Romanian criminal law to the maximum limit.

Taking into account these observations, we believe that in the situation referred to above it will not refuse the request for initiating proceedings, leaving it to the discretion of the executing State the possibility of re-individualization of the criminal law sanction applied by the Romanian court, while the maximum limit applied can be reduced to the maximum penalty provided in the law of the executing state (Boroi, Rusu & Rusu, 2016).

At the same time it will be taken into account the fact that, even under the situation where the law of the executing state provides for a maximum punishment for the offense committed less than it is provided in the Romanian law, this aspect is irrelevant as it is considered the criminal law sanction applied by the Romanian court, a final sanction. So from this perspective there may be situations where even if the maximum penalties under the two laws differ in the sense that it is expressed by the Romanian legislator, the Romanian court, in the process of individuation, may apply a sanction of criminal law that it is less than the maximum provided in the Romanian law, but higher than the maximum set out by the law of the executing state or even less than this maximum.

Given this scientifically reasoned opinion, we consider that those provisions are inapplicable, even contrary to some principles of Romanian and European criminal law, which is why they should be repealed.

5. The Proceedings before the Delegated Judge for the Execution of the Sentences of Deprivation of Liberty

According to this procedure, the judge delegated for the execution of the sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resides, will check that the conditions of art. 166 par. (3) and (4) (mentioned in the previous section) are met as well as:

a) in the case where the persons who have been previously turned in based on extradition requests made by the Ministry of Justice or European arrest warrants issued by the Romanian courts, if the extradition or turning in were achieved under the condition of returning in case of conviction, mentioning it in the conclusion provided in para. (4);

b) if the convicted person agrees to be transferred to the executing State. To this end, the judge delegated for the execution of the sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resided, listen to the person in question, at the place of detention, in the presence of a lawyer or one appointed ex-officio and if the convicted person explicitly requests it to the

diplomatic or consular representative of the State of execution, preparing in this regard a report signed by the judge, the convicted person and the lawyer. Convicted person's consent is irrevocable;

c) if to the convicted person it has been applied the security measure of expulsion;

d) if the convicted person did not appear in court, if:

(i) he has been informed, in time, by summons in writing delivered personally or upon receipt by telephone, fax, e-mail or any other similar means, on the hour, day, month, year and place of the hearing and the legal consequences in case of no show; or

(ii) being aware of the hour, day, month, year and place of the hearing, he mandated his lawyer chosen or appointed ex officio to represent him, and the legal representation and defense before the court were actually achieved effectively by the counselor; or

(iii) after handing in the sentence to the person in question and he was informed that, under the law, that ruling is subject to appeal, it will be checked including on the basis of new evidence and that in the event of admission of the appeal, it will be disbanded, either he has expressly waived the appeal or he has not declared within the period prescribed by the law, the appeal in question [art. 167 par. (1) the Special Law].

In the situation where, in relation to the circumstances of the case, the judge assigned with the execution of the custodial sentences designated for the penitentiary in which the convicted person resides deems it necessary, he will request:

- Drafting an assessment report of the convicted person by the department of social reintegration of the penitentiary, within a period of 10 days;
- Consulting the competent authority of the executing State on the possible early release of the convicted person or parole or other elements needed to verify that the conditions provided by law, by the specialized directorate of the Ministry of Justice.

If it finds that the convicted person does not qualify the conditions to be transferred from Romania to the executing State, the judge delegated for the execution of the sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resides, shall establish, if appropriate, a deadline for reexamining the situation of the convicted person, which cannot be less than one year, and informing in this sense the convicted person and the Ministry of Justice.

The judge delegated for the execution of the sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resides, decides by reasoned ruling; the convicted person shall be notified within two days of the decision. Against the decision the convicted person may enter objection to the court in whose jurisdiction the penitentiary is located within 3 days of the conclusion notification. The file will be sent to the competent court within three days of notification of the conclusion, and the appeal of the convicted person will be judged within 10 days, in closed session, summoning the convicted person; the prosecutor's presence is compulsory. The decision adopted by the competent court is final.

The final conclusion of a judge delegated for the execution of the sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person is or the court order, the report prepared by the competent judge, the judgment of conviction and any other information necessary to filing in the certificate is sent to the specialized directorate of the Ministry of Justice.

The whole procedure is urgent and takes place as a priority.

In our latest doctrine it was argued that if the institution of recognition and enforcement in other Member States of the European Union of the Romanian judgments by which there were applied by the sentences of deprivation of liberty, the competence to approve the request it was granted, as expressed by the legislator, "*to the judge delegated for the execution of sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resides.*"

A first observation that we formulate regards appointing the judge in question, in the sense of the provisions of Title II of Law no. 254/2013 on the execution of sentences and measures of deprivation of liberty ordered by the court in the criminal proceedings¹, art. 8, the *institution is the judge for supervising the deprivation of liberty.*

On the other hand, according to the Romanian provisions of the Criminal Procedure Code, at article 554, it is provided the institution of *the judge appointed with the execution*, a judge who is appointed by the enforcement court for the enforcement of the final judgment.

The conclusion that emerges is that currently, in the Romanian law there is no institution of *the delegated judge for the execution of sentences of deprivation of liberty, assigned to the penitentiary in which the convicted person resides.*

¹ Published in the Official Monitor of Romania, Part I, no. 514 of August 14, 2013.

In these circumstances, given these dysfunctions of the law and making a broad interpretation of the text (although questionable also this interpretation) we consider that the legislator intended to refer to the surveillance judge of deprivation of liberty.

Finally we conclude that the Romanian legislator should establish a single name to this institution, and we believe that the most suggestive one is that of the provisions of art. 554 of the Criminal Procedure Code, respectively, *the judge appointed with the execution*. This aspect involves modifying the two legislative acts to which we referred, namely Law no. 302/2004 and Law no. 254/20013.

A second observation concerns the option of the legislator to grant this competence to the appointed judge, although all procedures for recognition and enforcement of foreign judgments fall within the jurisdiction of courts of appeal.

One last observation relates the way in which it is regulated the transfer of the sentenced persons in Romania, which excludes the possibility of transferring minors executing an educational measure of deprivation of liberty in an educational center or detention center, institutions which cannot be assimilated to penitentiary.

This finding results from the expression used in the texts of the Special Law, that is the person who is serving a sentence or a measure of deprivation of liberty *in a penitentiary in Romania* (Boroi, Rusu & Rusu, 2016).

Therefore, we can conclude that these provisions of the Special Law should be amended, in the sense that the competence to initiate the procedure must be given to the court of appeal in the jurisdiction in which the convicted person is detained.

6. The Transfer, under Escort, of a Person Convicted from Romania in the Executing State

After receiving the decision, the directorate of the Ministry of Justice communicates to the executing State, to the International Police Cooperation Centre, National Administration of Penitentiaries, to the convicted person and to the judge for the execution of sentences of deprivation of liberty, assigned from the penitentiary in which the convicted person is detained.

The convicted person will be transferred from Romania to the executing State, no later than 30 days from the date on which the final decision of the executing State has been communicated to the Ministry of Justice.

If for reasons beyond the control of the two countries involved, the transfer cannot be done within 30 days, the Centre for International Police Cooperation agreement with the competent authority of the executing State sets a new date for the transfer, which will take place within 10 days of the new date thus agreed.

If, subsequently to transferring, the executing State wants for the transferee to be prosecuted, the sentenced person or otherwise deprived of liberty for an offense committed prior to his transfer, other than those for which the person is being transferred, the jurisdiction to deal with the request belongs to the Court of Appeal.

In this case, the presiding judge or the assigned judge shall specify the period, which may not be longer than 5 days from the date of registration of the case in court. The court consisting of a single judge, in the chambers, without summoning the convicted person, with the participation of the prosecutor. The procedure is to verify that the conditions for transmission, the purpose of enforcement of the Romanian judgment (referred to in art. 166 of the Special Law) and the incidence of any of the grounds for non-recognition and non-enforcement provided for in article 151 of the Special Law. The court decides by sentence, which is not subject to appeal. After the ruling, a copy of the minutes of the decision will be communicated to the specialized directorate of the Ministry of Justice to the issuing state and to the convicted person. After editing (no later than 30 working days from the date of delivery), the decision shall be communicated to the convicted person (art. 168 of the Special Law).

7. The Enforcement of the Penalty of Life Imprisonment or Imprisonment or the Measure of Deprivation of Liberty, when the Convicted Person is not in Romania

7.1. Conditions for Transmitting the Romanian Judgment

The recognition and enforcement of a final judgment of a Romanian court may be claimed in another Member State of the European Union under the following conditions:

- a) without the consent of the convicted person and regardless of the opinion of the executing State, in the case he has the citizenship of the executing State; and
 - (i) he is domiciled or permanently resident in the executing State, including the case where the sentenced person has returned or took refuge to this domicile or at this residence as a result of the criminal proceedings pending in Romania or because of the judgment passed in Romania; or

(ii) he was expelled in the executing State, after serving a sentence or other measures of deprivation of liberty, on the basis of an expulsion decision or a residence ban;

b) with the consent of the convicted person and only if the executing State has made a declaration to that effect, if he does not hold the nationality of the executing State, but has a uninterrupted legal residence in that State for a period of at least five years and he does not lose as a result of the conviction, the right of permanent residence; or

c) with the consent of the convicted person and of the state of execution when, although they are not incident to the provisions of letters a) and b), it has a strong connection with the State of enforcement, and the execution of the judgment in that State is likely to facilitate the rehabilitation and social reintegration of the convicted person.

Also the request by the Romanian state of the recognition and enforcement of a judgment of a Romanian court, to another Member State of the European Union, can do, as long it was not decided to postpone or the discontinuation of penalty of life imprisonment or imprisonment or removal or modification of the sentence (art. 169 of the Special Law).

7.2. The Attributions of the Enforcement Court

In the case where the person against whom it was released a warrant of execution of life imprisonment, prison sentence or it was passed another judgment, has left the territory of Romania, the enforcement court (informed of the situation by the police), ex-officio or at the request of the competent prosecutor may ask the police entering an alert in the Schengen information system, in order to be communicated his domicile or residence.

When, from the file or from the information provided by the police or other Romanian and European institutions, it results that the convicted person is domiciled or is permanently resident in another Member State or enjoys a right of permanent residence in its territory, the enforcement court:

a) *verifies whether the conditions laid down in art. 166 par. (4) c) -g) are met, compiling a report in this regard*; we specify that the provisions to which the text in question refers to conditions in which the request for the initiation of the transfer procedure is not mandatory for the Romanian state;

b) verifies, in the case of the persons who were turned in previously based on the European arrest warrant, issued by the Romanian courts or requests for extradition made by the Ministry of Justice, if the turning in was achieved under the condition return in case of conviction, having mentioned this aspect in the report under letter a);

c) when the convicted person did not appear in court, the execution court verifies the file to see if:

(i) he has been informed, in time, by summons in writing delivered personally or upon receipt by telephone, fax, e-mail or any other similar means, on the hour, day, month, year and place of the hearing and the legal consequences in case of no show; or

(ii) being aware of the hour, day, month, year and place of the hearing, he mandated his lawyer chosen or appointed ex officio to represent him, and the legal representation and defense before the court were actually achieved effectively by the counselor; or

(iii) after handing in the sentence to the person in question and he was informed that, under the law, that ruling is subject to appeal, it will be checked including on the basis of new evidence and that in the event of admission of the appeal, it will be disbanded, either he has expressly waived the appeal or he has not declared within the period prescribed by the law, the appeal in question.

d) ex-officio at the request of the sentenced person or competent prosecutor's office, proposing upon reason by the specialized directorate of the Ministry of Justice to submit the criminal judgment and certificate in Annex no. 5 of the executing State and it shall notify the judgment and the documents referred to a)-c);

e) if it considers it necessary, it requires to the Ministry of Justice to consult the competent authority of the executing State on the possible early release of the convicted person or parole and on the procedure that the executing state will apply.

In case of emergency, prior to forwarding the judgment and the certificate, the executing court may require to take preventive measures against the convicted person, conveying all the necessary documents and information.

The request of the executing State must mention the offense for which the person was sentenced, the date and place where it was committed, its description thereof, the penalty imposed, and other elements as accurate as possible. The application shall be submitted directly or through specialized directorate of the Ministry of Justice.

The execution court informs ex-officio the directorate of the Ministry of Justice on any measure or decision after which the judgment of conviction shall cease to have mandatory feature, including as a result of granting amnesty or pardon.

If it is informed by the execution state of the possibility of partial recognition of the judgment of conviction, the executing court shall communicate to the specialized directorate of the Ministry of Justice if it agrees to partial execution or if the certificate should be withdrawn (Boroi, Rusu & Rusu, 2016).

8. Conclusions

The conducted examination highlights the complexity of the institutions of transferring the sentenced persons placed in a detention facility in Romania, in another Member State of the European Union.

Undoubtedly the Romanian legislator has wanted to transpose into the national law a number of provisions of European legislation in the field, so that the persons convicted in Romania, who is serving a criminal sanction of deprivation of liberty, may request further execution of a sanction in another Member State.

With all its positive elements in terms of transposition into the national law, the conducted research and some provisions highlight at least questionable if not objectionable.

A first criticism is linked to different name which is given to the appointed judge with the execution (as the institution is defined in the Code of Criminal Procedure in the provisions art. 554), in three acts, namely, in the Criminal Procedure Code, Law no. 302/2004 and Law no. 254/2013.

Another issue on the jurisdiction to transfer the person who was assigned, as expressed by the legislator, to judge delegated for the execution of sentences of deprivation of liberty.

We appreciate that given the complexity of the institution, the effects of decisions in terms of judicial cooperation in criminal matters with the Member States and, not least the professional training of magistrates, the jurisdiction needs to be assigned to the court of appeal within whose jurisdiction the center is, the one holding the person executing the criminal law sanction of deprivation of liberty.

One last observation that we formulate aims the lack of provisions that regard transferring juveniles who execute an educational measure of deprivation of liberty, the Romanian legislator taking into account only the convicted persons held

in a penitentiary or medical facility in Romania in order to serve the sentence in the other Member States of the European Union.

With all these inconsistencies or errors slipped into the wording of the criticized provisions we appreciate that regulating such institutions in the Romanian criminal law is an important step made by Romania towards harmonizing the national legislation with the one of the European Union.

9. References

Rusu, I. & Balan-Rusu, M.-I. (2013). *The European Arrest Warrant, European and Romanian Legislation, Doctrine and Jurisprudence*. LAP LAMNERT Danubius University, Saarbrücken, Deutschland/Germany.

de Vabres, H. Donnedieu (1928). *Les principes du droit international criminal modernes/The principles of modern international criminal law*. Paris: Sirey.

Boroi, Al. & Rusu, I. (2008). *Cooperarea judiciară internațională în materie penală, Curs master/Judicial cooperation in criminal matters, Master course*. Bucharest: C.H. Beck.

Law no. 302/2004 on international judicial cooperation in criminal matters, published in the Official Monitor of Romania, Part I, no. 594 of 1 July 2004, subsequently supplemented and amended by several acts, republished, published in the Official Monitor of Romania, Part I, no. 377 of 31 May 2011, the last change being promoted by Law no. 300/2013 amending and supplementing Law no. 302/2004 on international judicial cooperation in criminal matters, published in the Official Monitor of Romania, Part I, no. 772 of 11 December 2013.

Law no. 254/2013 on the execution of sentences and custodial measures ordered by the court during the criminal trial, published in the Official Monitor of Romania, Part I, no. 514 of August 14, 2013.

Boroi, Al.; Rusu, I. & Balan-Rusu, M.-I. (2016). *Cooperarea judiciară internațională în materie penală, Tratat/The international judicial cooperation in criminal matters. Treaty*. Bucharest: C.H. Beck.

Morar, I.-C. (2014). *Cooperarea judiciară internațională în materie penală/Judicial cooperation in criminal matters*. Bucharest: Hamangiu.