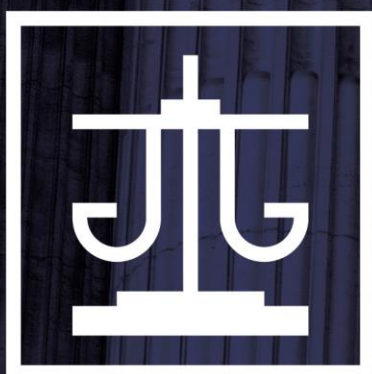




EPHESUS

Promoting fundamental rights in (post)
pandemic times in cross-border proceedings

Country Fiche Romania



1. The competent authority

a. As Issuing State

The authorities that issue a resolution on supervision measures are prosecutors and judges where the person is living.

b. As Executing State

In the criminal prosecution stage, with the Prosecution Office of the High Court of Cassation and Justice, and, in the court proceedings stage, with the Ministry of Justice, through its specialized department.

Prosecution stage: Prosecution Office of the High Court of Cassation and Justice

Parchetul de pe lângă Înalta Curte de Casație și Justiție
Serviciul de cooperare judiciară, relații internaționale și programe
B-dul Libertății nr.12, Sector 5 – București, Cod postal: 050706
Tel.: +40.21319.38.33 / +40.21/319.38.56
Fax: +40.21.319.39.33/ E-mail: coop@mpublic.ro

Trial stage: Ministry of Justice

Strada Apolodor 17, Sector 5 București, Cod 050741
Directorate for International Law and Judicial Cooperation
Division for international judicial cooperation in criminal matters
Phone: +40.37.204.1077 / +40.37.204.1085
Outside office hours: + 040.733.737.769
Fax: +40.37.204.1079/84 /E-mail: centralauthority_copen@just.ro

The competent authority

As Issuing State	As Executing State
The authorities that issue resolutions on alternative measures to pre-trial detention are the Prosecution Offices or the Courts.	In the criminal prosecution stage, with the Prosecution Office of the High Court of Cassation and Justice, and, in the court proceedings stage, with the Ministry of Justice, through its specialized department. Prosecution Offices of the District Courts or District Courts are the competent authorities having jurisdiction over the ordinary legal residence of the supervised person. If the person's residence is not in Romanian territory, the competence lies to the Prosecution Office of the Bucharest District Court or the District Court of Bucharest.
General competence (General regime): Courts where the person	Law enforcement and health authorities monitor compliance with orders under the jurisdiction of the executing court.



resides handle monitoring obligations during trial or pretrial release.

2. Recourse to a central authority: Yes

Ministry of Justice (Ministerul Justiției) – Central authority for international cooperation. Coordinates requests and responses for recognition of supervision measures.

3. Types of supervision measures ready to supervise – common:

Measure	Yes	No
(a) Obligation to inform the competent authority in the executing State of any change of residence.	☒	
(b) Obligation not to enter certain areas or localities.	☒	
(c) Obligation to remain at a specified place, during specified times.	☒	
(d) Limitation on leaving the territory of the executing State.	☒	
(e) Obligation to report at specified times to a specific authority.	☒	
(f) Avoiding contact with specific persons related to the offence.	☒	

4. Types of supervision measures ready to supervise – optional:

Measure	Yes	No
(a) Prohibition from engaging in specific activities related to the offence (e.g., work restrictions).	☒	
(b) Obligation not to drive a vehicle.	☒	
(c) Payment of a financial guarantee or deposit.	☒	
(d) Therapeutic treatment or treatment for addiction.	☒	
(e) Prohibition from contacting specific objects related to the offence.	☒	

NOTE!! Apart from the supervision measures mentioned in the FD 829/2009JAI, the Romanian Criminal Procedure Code provides that the prosecutor, the judge or the court could also impose other supervision measures such as (art. 215):

- To wear an electronic monitoring system
- Not to return home or contact the victim or any other persons
- Not to take part in different sport or cultural activities
- Not to issue bank cheques.

5. What is/are the body/bodies responsible for supervising the measures?

Supervisory measure – Common	Supervisory body / bodies
(a) Change of residence notification.	National Police
(b) Restrictions on entering certain areas.	Judicial Police and National Police



(c) Remaining at a specified place.	Local Police
(d) Limitation on leaving the State.	Border Police / Judicial Police
(e) Regular reporting.	National Police
(f) Avoiding contact with specific persons.	National Police

Supervisory measure - Optional	Supervisory body / bodies
(a) Prohibition from engaging in specific activities.	National Police
(b) Driving prohibition.	Police
(c) Financial deposit or guarantee.	Court Registry
(d) Therapeutic or addiction treatment.	Health Authorities
(e) Avoidance of specific objects.	Judicial Police

6. Duration of the measures:

Supervisory measure – Common	Maximum duration
(a) Change of residence notification.	Measures remain active for the duration of the pre-trial or trial until the prosecutor or judge deems otherwise. No strict limit applies, but measures must align with the reasonable duration of the case.
(b) Entry restriction to specific areas.	<i>Idem</i>
(c) Specified place obligation.	<i>Idem</i>
(d) Limitation on leaving the territory.	<i>Idem</i>
(e) Regular reporting obligation.	<i>Idem</i>
(f) Avoiding contact with persons related to the offence.	<i>Idem</i>

Supervisory measure - Optional	Maximum duration
(a) Prohibition from engaging in specific activities.	Measures remain active for the duration of the pre-trial or trial until the prosecutor or judge deems otherwise. No strict limit applies, but measures must align with the reasonable duration of the case.
(b) Driving prohibition.	<i>Idem</i>
(c) Financial deposit or guarantee.	<i>Idem</i>
(d) Therapeutic or addiction treatment.	<i>Idem</i>
(e) Avoidance of specific objects.	<i>Idem</i>



7. Prolongation

Supervisory measure - Common	Can it be prolonged?	By who?	For how long?
(a) Change of residence notification.	☒ Yes	Prosecutors, Judges or Courts	Prolonged throughout the duration of the case, 'if there are strong reasons that justify them'.
(b) Area restrictions.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(c) Specified place obligation.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(d) Leaving the territory limitation.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(e) Regular reporting.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(f) Avoiding contact with specific persons.	☒ Yes	<i>Idem</i>	<i>Idem</i>

Supervisory measure - Optional	Can it be prolonged?	By who?	For how long?
(a) Prohibition from engaging in specific activities.	☒ Yes	Prosecutors, Judges or Courts	Prolonged throughout the duration of the case, 'if there are strong reasons that justify them'.
(b) Driving prohibition.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(c) Financial deposit or guarantee.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(d) Therapeutic or addiction treatment.	☒ Yes	<i>Idem</i>	<i>Idem</i>
(e) Avoidance of specific objects.	☒ Yes	<i>Idem</i>	<i>Idem</i>

8. Can the measures be modified during the pre-trial or trial stage?

Supervisory measure – Common	Yes	No
(a) Change of residence notification.	☒	
(b) Area restrictions.	☒	
(c) Specified place obligation.	☒	
(d) Leaving the territory limitation.	☒	
(e) Reporting to authorities.	☒	
(f) Avoiding contact with specific persons.	☒	

Supervisory measure – Optional	Yes	No
(a) Prohibition from engaging in specific activities.	☒	
(b) Driving prohibition.	☒	
(c) Financial deposit or guarantee.	☒	
(d) Therapeutic or addiction treatment.	☒	
(e) Avoidance of specific objects.	☒	



9. Appeal of supervisory measures

Supervisory measure - Common	Can it be appealed?	To whom?
(a) Change of residence notification	☒ Yes	If the measure was imposed by the prosecutor during the pre-trial investigation – the measure can be appealed to the judge of preliminary chamber at the court that will be responsible for trial. If the measure was imposed by the preliminary chamber judge or the court during the trial stage – the measure can be appealed at the higher court.
(b) Entry restriction to specific areas - imposed during pre-trial by the prosecutor	☒ Yes	<i>Idem</i>
(c) Specified place obligation - imposed during pre-trial by the prosecutor	☒ Yes	<i>Idem</i>
(d) Limitation on leaving the territory - imposed during pre-trial by the prosecutor	☒ Yes	<i>Idem</i>
(e) Regular reporting obligation - imposed during pre-trial by the prosecutor	☒ Yes	<i>Idem</i>
(f) Avoiding contact with persons related to the offence - imposed during pre-trial by the prosecutor	☒ Yes	<i>Idem</i>

Supervisory measure - Optional	Can it be appealed?	To whom?
(a) Prohibition from engaging in specific activities.	☒ Yes	If the measure was imposed by the prosecutor during the pre-trial investigation – the measure can be appealed to the judge of preliminary chamber at the court that will be responsible for trial. If the measure was imposed by the preliminary chamber judge or the court during the trial stage – the measure can be appealed at the higher court.
(b) Driving prohibition.	☒ Yes	The same as above.



(c) Financial deposit or guarantee.	☒ Yes	The same as above.
(d) Therapeutic or addiction treatment.	☒ Yes	The same as above.
(e) Avoidance of specific objects.	☒ Yes	The same as above.

NOTE: The presence of the lawyer – all preventive measures can be imposed, modified or or prolonged only the in the presence of a lawyer.

The hearing of the defendant – videoconferencing can be used when the law provides that the defendant has to be heard.

The appeal procedure does not suspend its execution.

10. Double criminality check:

☒ Yes

RO will not apply Article 14(1) of the FD, therefore all decisions are subject to double criminality check.

11. Languages accepted as an Executing State:

- Romanian

12. Other agreements that apply to Romania facilitating mutual recognition of measures:

☒ Yes

- Romania applies **EU Framework Decisions** and bilateral treaties for the recognition and enforcement of supervisory measures.
- **Notifications on art. 8(1):**
 - Ro is ready to recognise and enforce all optional supervision measures.
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- **Notifications on art. 8(2):**
 - RO **may recognize the supervision order** not only when the person is a legal and ordinary resident in RO, but also in case when one of his/her family members is a Romanian national or resident, or is going to engage in a professional activity, study or training in RO.

More details can be found here:

<https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/1229>



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