

**TITU MAIORESCU UNIVERSITY
DOCTORAL SCHOOL OF LAW**

**ABSTRACT
DOCTORAL DISSERTATION**

**THE APPLICATION OF THE PRINCIPLE OF MUTUAL RECOGNITION
TO JUDICIAL DECISIONS IN CRIMINAL MATTERS IMPOSING
SANCTIONS OR CUSTODIAL MEASURES FOR THE PURPOSE OF THEIR
ENFORCEMENT WITHIN THE EUROPEAN UNION – A MECHANISM OF
INTERNATIONAL JUDICIAL COOPERATION IN CRIMINAL LAW**

PhD supervisor:

Professor PhD. ALEXANDRU BOROI

PhD Candidate:

PUREC-POPESCU (married MORARU) CEZARINA

BUCHAREST

2025

TABLE OF CONTENTS

Table of contents.....	Error! Bookmark not defined.
Chapter 1. Introduction	7
1.1. Identification of the addressed issue. Objectives of the thesis	7
1.2. Research methodology	9
1.3. Results of the research.....	10
1.3.1. Theoretical interest of the research	11
1.3.2. Practical interest of the research	12
1.3.3. Legislative proposal	12
1.4. Structure of the thesis	13
Chapter 2. International judicial cooperation in criminal matters.....	17
2.1. The importance of international judicial cooperation in criminal matters	17
2.2. Types of international cooperation in criminal matters	20
2.2.1. Formal international cooperation in criminal matters	20
2.2.2. Informal international cooperation in criminal matters	22
2.2.2.1. Challenges associated with informal cooperation	22
2.2.3. Conclusion	23
2.3. Forms of international judicial cooperation in criminal matters regulated by Law No. 302/2004 on international judicial cooperation in criminal matters	24
2.3.1. Introduction	24
2.3.2. Mutual legal assistance	25
2.3.2.1. Concept	25
2.3.2.2. International and national framework of mutual legal assistance	25
2.3.2.3. Field of application	26
2.3.2.4. The importance of mutual legal assistance	29
2.3.2.5. Limitations and human rights considerations	29
2.3.2.6. Challenges and perspectives	30
2.3.2.7. Conclusion	30
2.3.3. Extradition.....	30
2.3.4. Recognition and enforcement of judgments	34

2.3.5. European Arrest Warrant	35
Chapter 3. International judicial cooperation in criminal matters within the European Union	39
3.1. Introductory considerations	39
3.2. General principles governing international judicial cooperation in criminal matters.....	43
3.2.1. The primacy of international law and the principle of legality of criminalization	43
3.2.2. The principle of international comity and reciprocity	48
3.2.3. The principle of double incrimination	50
3.2.4. The principle of <i>ne bis in idem</i>	53
3.2.5. The principle of specialty	58
3.2.6. The principles of mutual recognition of criminal judgments and mutual trust	64
Chapter 4. General provisions on the application of the principle of mutual recognition to judicial decisions in criminal matters imposing penalties or custodial measures for the purpose of their enforcement within the European Union.....	71
4.1. Introduction	71
4.2. General stipulations	74
4.2.1. Field of application	74
4.2.2. Jurisdiction of the Romanian judicial authorities	74
4.3. Comparative law	76
4.3.1. Introduction	76
4.3.2. Jurisdiction regarding the resolution of requests for the transfer of convicted persons for the continuation of their sentence in a prison in the Kingdom of Norway.....	77
4.4. The law governing the enforcement	80
Chapter 5. Enforcement on the territory of Romania of penalties or custodial measures imposed by the courts of other European Union member states.....	83
5.1. Legislative drafting aspects	83
5.1.1. Introductory theoretical elements	83
5.1.2. Criticisms regarding a legislative drafting issue: the positioning of certain provisions within the framework of the regulations governing the application of the principle of mutual recognition in the case of judicial decisions in criminal matters imposing penalties or custodial measures for their enforcement within the European Union – Title VI of Law No. 302/2004 on international judicial cooperation in criminal matters.....	85
5.2. General considerations	89

5.3. Transfer of convicted persons held in other European Union member states for the enforcement of a sentence or custodial measure in a prison or healthcare institution in Romania.....	91
5.3.1. Introduction	91
5.3.2. The role of the Ministry of Justice in the procedure for the recognition and enforcement of foreign criminal judgments on the territory of Romania	92
5.3.3. The role of the prosecutor's office in the procedure for the recognition and enforcement of foreign judicial decisions in Romania	98
5.3.3.1. Verification of the request submitted by the Ministry of Justice	98
5.3.3.2. Withdrawal of the certificate by the issuing state	100
5.3.3.3. Conclusions	100
5.3.4. The duration and subject matter of the judicial procedure for the recognition and enforcement of judicial decisions	101
5.3.4.1. Introduction	101
5.3.4.2. The duration and scope of the judicial procedure for the recognition and enforcement of judicial decisions	102
5.3.4.3. The solutions that may be issued by the court and the time frame for rendering the decision	104
5.3.4.3.1. The enforcement of the sentence imposed by the issuing state's court on the territory of the Romanian state	104
5.3.4.3.2. Adaptation of the sentence	105
5.3.4.3.3. Dismissal of the enforcement request	106
5.3.4.3.4. The time frame for rendering the decision in the procedure for the recognition and enforcement of foreign criminal judgments and the appeal procedure against it.....	108
5.3.4.3.5. The enforcement of the sentence	110
5.3.5. Special conditions for the recognition and enforcement of foreign judicial decisions	111
5.3.6. Grounds for non-recognition and non-enforcement	118
5.3.6.1. Mandatory grounds for non-recognition and non-enforcement	118
5.3.6.1.1. The impact of these exceptions on international judicial cooperation in criminal matters.....	150
5.3.6.1.2. Solutions for better harmonization of international judicial cooperation in criminal matters.....	151
5.3.6.2. Optional grounds for non-recognition and non-enforcement	151

5.3.7. The rule of specialty	153
5.3.7.1. Concept	153
5.3.7.2. Exceptions to the rule of specialty	154
5.3.7.3. Challenges in the implementation of the rule of specialty	158
5.3.8. Withdrawal or issuance of a new certificate after the issuance of the life imprisonment or prison sentence enforcement warrant	159
5.3.8.1. Withdrawal of the certificate after the issuance of the life imprisonment or prison sentence enforcement warrant and its effects on the execution of the sentence in the case of international transfer of convicted persons.....	159
5.3.8.2. Issuance of a new certificate for the enforcement of a different sentence after the issuance of the life imprisonment or prison sentence enforcement warrant	160
5.3.8.3. Conclusions	161
5.3.9. The procedure for recognizing sentence reductions granted by the issuing state after the transfer of the convicted person to the executing state	162
5.3.9.1. The purpose of applying the prison sentence: a balanced approach	162
5.3.9.2. The importance of grounds for reducing the prison sentence after the pronouncement of a conviction to a prison sentence	164
5.3.9.3. Recognition of sentence reductions granted to the convicted person by the issuing state after their transfer to the executing state	165
5.4. Enforcement of a foreign judicial decision as an effect of a European Arrest Warrant.....	170
5.4.1. Definition of the European Arrest Warrant	170
5.4.2. General considerations	170
5.4.3. Special conditions for the extradition and transfer of Romanian citizens.....	172
5.4.4. The procedure for the transfer and recognition of the judicial decision transmitted by the issuing state.....	172
5.4.5. Compliance with deadlines and document conformity	173
5.4.6. Conclusion	174
5.5. Recognition and enforcement of judicial decisions rendered in other European Union member states, when the convicted person is in Romania	174
5.5.1. Introduction	174
5.5.2. The importance and necessity of the recognition and enforcement of judicial decisions rendered in other European Union member states, when the convicted person is in the executing state.....	177

5.5.3. Preliminary measures	179
5.5.3.1. The procedure for the transmission and analysis of documents	179
5.5.3.2. The role of the prosecutor	181
5.5.4. The procedure for the recognition and enforcement of a penalty or custodial measure ...	182
5.5.4.1. Referral to the court and the time frame for resolution	182
5.5.4.2. The panel of judges and the subject matter of the procedure	183
5.5.4.3. Verification of the conditions for recognition and enforcement	185
5.5.4.3.1. Analysis of the conditions for each offense	185
5.5.4.3.2. Consultation with the issuing state and the consequences of the withdrawal of the certificate	185
5.5.4.3.3. The importance of dialogue between judicial authorities	186
5.5.4.3.4. The importance of partial recognition of foreign criminal judgments.....	187
5.5.4.3.5. Preventive measures applicable after the referral to the court in the procedure for the recognition of foreign criminal judgments	188
5.5.4.4. The solutions that the first instance court may issue	190
5.5.4.4.1. Dismissal of the request as unsupported when the issuing state has withdrawn the certificate	190
5.5.4.4.2. Dismissal or admission of the request and enforcement of the sentence imposed by the issuing state's court	191
5.5.4.5. Appeal - the means of challenge against the judgment rendered by the first instance court.....	193
5.5.4.6. Communication of the final judgment rendered by national courts and the enforcement of the custodial measure in the procedure for the recognition of foreign criminal judgments rendered by other member states.....	194
5.5.4.7. Cancellation of the enforcement warrant and the regime of expenses advanced by the Romanian state	195
5.5.4.8. Preventive measures taken prior to the transmission of the judicial decision and the certificate	196
5.5.4.8.1. Introduction	196
5.5.4.8.2. General regulations regarding preventive measures	196
5.5.4.8.3. Conditions for the application of preventive measures	197
5.5.4.8.4. The competent authority in the application of the preventive measure	198
5.5.4.8.5. The duration of preventive measures and the conditions for their cessation	199

5.5.4.8.6. The procedure for notification and transmission of documents	200
5.5.4.8.7. Conclusion	201
5.5.5. The obligations of the Romanian state regarding the notification of the issuing state in the procedure for the recognition of foreign judicial decisions	201
5.5.5.1. The general context of notifying the issuing state	201
5.5.5.2. Situations in which the notification of the issuing state is required	202
5.5.5.3. Conclusions	204
5.5.6. Changes in the enforcement of the sentence or custodial measure: regulations and implications	204
5.5.6.1. Introduction	204
5.5.6.2. Regulation of changes in the enforcement of the sentence	204
5.5.6.3. Cessation of sentence enforcement at the request of the issuing state	205
5.5.6.4. The impact of changes in the enforcement of the sentence on the fundamental rights of the convicted person	206
5.5.6.5. Conclusions	207
Conclusions	208
Legislative proposal	212
Bibliography.....	217

Gratitude

I would like to express my gratitude to ***Professor Dr. Alexandru Boroi***, the scientific supervisor of my doctoral thesis, for the trust and continuous support provided throughout this doctoral endeavor. My appreciation is even greater considering that he selected a challenging topic, which motivated me to step out of my comfort zone and explore new research directions.

Equally, the continuous support and encouragement provided by Professor [Name] have had a significant impact on strengthening my confidence that I would successfully complete this academic endeavor.

Thus, under his careful guidance, I was able to overcome difficult moments and finalize my research with relevant results.

I would like to express my heartfelt gratitude to ***Mrs. Lawyer Dr. Oana Ruxandra Gherghina***, my mentor during my time practicing law, without whose support this doctoral endeavor would not have been possible. Through her significant contribution over more than seven years of collaboration, she not only provided me with access to knowledge, but also granted me the opportunity to develop a deeply ethical and humanistic perspective. Under her guidance, I learned to identify and leverage the constructive aspects of every situation, while integrating the principles of excellence and integrity into every stage of my professional journey.

I owe a profound debt of gratitude to ***Mrs. Judge Oana Burnel*** for her unwavering guidance and essential contribution to my professional formation, particularly in shaping and refining my analytical reasoning and in fostering a rigorous approach to legal issues throughout the nearly six years of our collaboration.

Thus, the support provided, characterized by trust, patience, and a dedicated and authentic approach, represents a fundamental and defining element in my professional and academic journey. The invaluable professional experience gained under her exceptional guidance has a direct impact on my formation and development in the field of criminal law, contributing to the deepening of my knowledge and the strengthening of my professional skills.

The professionalism, dedication, and high standards of Mrs. Judge are invaluable, with her contributions being fundamental to my achievements and a constant source of inspiration and motivation.

My deepest gratitude goes to ***Mrs. Assistant Magistrate Marcela Radu***, whose guidance, both professionally and personally, has been essential to my continuous development. Through

her noble character and the trust and support she has offered from the very beginning, Mrs. Magistrate has had a remarkable impact on my professional and personal growth. I am profoundly grateful for her patience in reviewing this work and for the valuable suggestions she provided.

It is a great honor for me to express my heartfelt gratitude to *my children* and *my husband* for their continuous moral support, for the exceptional understanding they have shown throughout my entire period of study, and for the unwavering trust they have placed in me. They have been a decisive factor in the accomplishment of this academic endeavor, and their support has been an essential element in overcoming the challenges encountered. Their trust and patience have contributed significantly to both my professional and personal success.

Finally, I would like to express my gratitude to all the *friends* who have offered me constant and unconditional moral support throughout this doctoral stage. Their encouragement has been crucial to the successful completion of this academic endeavor.

CHAPTER 1. INTRODUCTION

1.1. Identification of the addressed issue. Objectives of the thesis

This doctoral thesis addresses a topic of great value within the framework of judicial cooperation in criminal matters at the European Union level, as the recognition of foreign criminal judgments by the Romanian state, a relevant subject in the current context, generates significant effects on the functioning of international criminal justice and on the safeguarding of the fundamental rights of the convicted persons involved in the procedure.

Therefore, a correct application of the principle under analysis is a fundamental aspect for strengthening cooperation between the member states.

It can be observed that the principle of mutual recognition, adopted by the member states, plays a crucial role in accelerating judicial processes by reducing bureaucracy and excessive formal requirements, while simultaneously facilitating the uniform application of criminal sanctions.

However, the implementation of this principle requires a high level of mutual trust between the member states¹, within the context of harmonizing specific national norms, in a strictly regulated legislative framework².

The Lisbon Treaty³ enshrines the principle of mutual recognition as a central pillar of European judicial cooperation⁴, emphasizing the importance of integration in the field of criminal justice and the need to identify a balance between the efficiency of procedures and the

¹ A. Ryan, *Towards a System of European Criminal Justice. The problem of admissibility of evidence*, 1st edn. Routledge, 2014, p. 32

² F. Cheneval, S. Lavenex and F. Schimmelfennig, *European Democracy as Democracy*, 1st edn. Routledge, 2015, p. 124

³ https://www.europarl.europa.eu/about-parliament/ro/powers-and-procedures/the-lisbon-treaty?&at_campaign=2024-AboutParliament&at_medium=Google_Ads&at_platform=Search&at_creation=RSA&at_goal=TR_G&at_advertiser=Webcomm&at_topic=PowersLisbon&at_location=RO&gad_source=1&gclid=CjwKCAiAg8S7BhATEiWAO2-R6kSx1myss0ZZNLNDKLnZcWBCi8clnnVhWuBsVScoxmSy4f00B_uSvRoC2MkQAvD_BwE, accesat la data de 30 decembrie 2024, ora 3 a.m.

⁴ T. Rafaraci, *The application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention* in S. Ruggeri and H. von Arndt Sinn, *Schriften des Zentrums für Europäische und Internationale Strafrechtsstudien* (Publicații ale Centrului de Studii de Drept Penal European și Internațional), 1st edn. V&R unipress, 2012, p. 78

protection of the fundamental rights of the parties involved⁵. This is because its application must be complementary to the respect for the fundamental guarantees of criminal law in its entirety.

Despite its remarkable importance, the application of the principle of mutual recognition faces significant challenges, and national legislations are not always clear or efficient. As a result, normative ambiguities, legislative gaps, and contradictory interpretations of certain provisions regarding the recognition of foreign criminal judgments undermine the uniform implementation of this principle, eroding mutual trust between states and, implicitly, the effectiveness of the European criminal justice system.

The main purpose of this thesis is the detailed analysis of the recognition of foreign criminal judgments rendered by the authorities of the European Union member states, focusing on the shortcomings of national regulations and their impact on cross-border judicial cooperation.

Additionally, the thesis explores solutions for optimizing national legislative techniques to ensure a clearer and more effective application of the rules regarding the recognition of foreign criminal judgments rendered by the judicial authorities of other member states. In this regard, the thesis proposes concrete solutions for improving domestic regulations and aligning them with European standards, including, by way of example: clarifying certain legislative provisions, implementing transparent and efficient procedures for the recognition of foreign judgments, and redefining the jurisdiction of national courts in this matter, using Norway's experience as a model.

In addition, the thesis emphasizes the need for closer cooperation between national and European judicial authorities to ensure the respect for fundamental principles of law and the effective protection of the rights of convicted persons.

In conclusion, this scientific endeavor aims to contribute to the development of a more efficient and coherent approach to the recognition of foreign criminal judgments in Romania, taking into account both the European legal framework and the specific challenges posed by national legislation.

⁵ I. Bantekas and S. Nash, *International Criminal Law*, 3rd edn. Routledge-Cavendish, 2007

1.2. RESULTS OF THE RESEARCH

This work represents a comprehensive academic endeavor, built on the basis of extensive research, which addresses, in a rigorous and innovative manner, the field of international judicial cooperation in criminal matters, with theoretical, practical, and methodological relevance. The established objectives were designed to integrate conceptual analysis, practical applicability, and the formulation of legislative solutions, all supported by a well-founded methodological framework.

Thus, with regard to the *theoretical interest of the research*, we believe that this work makes an innovative and significant contribution to the specialized literature, offering a multidisciplinary approach to international judicial cooperation in criminal matters, with a particular emphasis on the principle of mutual recognition of criminal judgments imposing penalties or custodial measures for their enforcement within the European Union.

The work provides an in-depth theoretical analysis of the current legal framework and identifies the necessary directions for optimizing the specific national legislation. A central aspect of the research is the balance between state sovereignty and the need to ensure an effective criminal justice system, based on the respect for fundamental human rights.

At the same time, the work highlights the importance of legislative technique, essential in the development and application of legal norms, proposing innovative solutions for improving the current legislation in the addressed field.

The practical component of the research was designed to provide relevant tools applicable to practitioners in the field of law, with a particular emphasis on identifying and addressing certain legislative deficiencies/gaps in the field of international judicial cooperation in criminal matters.

Thus, with regard to the practical dimension of the work, the main objective was to highlight and analyze the challenges associated with the mutual recognition of criminal judgments rendered by other member states and to propose concrete and feasible solutions for strengthening the legal framework and judicial practice in the relevant field.

Therefore, the work represents a valuable and useful tool for legal professionals, supporting the efficiency and coherence of cross-border justice.

This research concludes with a legislative proposal aimed at addressing certain deficiencies identified within the study, contributing to the improvement of national legislation concerning international judicial cooperation in criminal matters, by enhancing the efficiency and clarity of the application of the specific rules analyzed.

An essential aspect of the proposal is the modification of the jurisdiction of the courts handling requests for the recognition of foreign criminal judgments, given that these requests typically involve a formal review and do not require a substantive examination.

We believe that the thesis makes a significant contribution to clarifying the fundamental principles of international judicial cooperation and proposes practical solutions for their uniform implementation.

Also, we believe that the research results highlight the necessity of an efficient criminal justice system, in line with international standards, and of coherent judicial cooperation in criminal matters.

1.3. STRUCTURE OF THE THESIS

The importance and complexity of international judicial cooperation in criminal matters are highlighted by the analysis of this field, in the context of the expansion of global crime and the need for effective collaboration between states.

Thus, in the face of increasing transnational crime, national authorities are confronted with major challenges, and cooperation among them becomes an essential tool for combating criminal phenomena at the global level. Therefore, coordination, collaboration, and the exchange of information between states are imperative as fundamental elements for an effective and firm response by authorities against transnational crime, with the recognition and enforcement of foreign judicial decisions serving as a cornerstone of international cooperation.

The thesis is structured into five chapters, each addressing key aspects of the investigated topic.

Chapter I serves as an introduction to the research field, aiming to identify the essential reasons that underpinned the choice of this topic, as well as placing the phenomenon of transnational crime in the current context.

The analysis focuses on the process of recognizing foreign criminal judgments rendered by other European Union member states, highlighting the deficiencies of the national legal system and their impact on the effectiveness of cross-border judicial cooperation.

At the same time, the essential role of implementing the principle of mutual recognition is emphasized, particularly in the case of penalties and custodial measures, as a key factor in strengthening cooperation between member states.

Furthermore, this chapter includes the methodology used in the research and summarizes the results obtained, which will form the basis for the detailed analysis in the following chapters.

Chapter II focuses on the importance of international judicial cooperation in criminal matters, with an emphasis on differentiating between formal and informal forms of cooperation. Within this chapter, the role of each form of collaboration between states is analyzed, highlighting their interdependence with the respect for fundamental human rights.

The challenges encountered in the implementation of these mechanisms are also discussed, such as the difficulties arising from incompatibilities between national legislations and the diversity of procedures.

The chapter also explores the development directions of international judicial cooperation, considering emerging trends in the field of international criminal justice.

Chapter III focuses on the fundamental principles of international judicial cooperation within the European Union, providing a detailed analysis of the rules governing the interaction between member states. Although the chapter does not aim to be exhaustive, it thoroughly examines the principles regulating the enforcement of criminal judgments issued by the judicial authorities of other member states, highlighting the importance of a coherent legal framework to ensure effective cross-border judicial cooperation.

Chapter IV analyzes the application of the principle of mutual recognition in the case of foreign judicial decisions imposing penalties or custodial measures, for their enforcement within the territory of the European Union. It examines the scope of application of this principle, the jurisdiction of the judicial authorities involved, and the specific legal regulations.

An essential element of the chapter is the use of comparative law to assess the procedure for the transfer of convicted persons to the Kingdom of Norway (a third country, but one that maintains close ties with the European Union) for the continuation of sentence enforcement. This

comparative analysis allows for the formulation of legislative reform proposals aimed at harmonizing national legislation with European regulations.

Chapter V, the most extensive, analyzes the ways in which sentences imposed by the courts of European Union member states are enforced on the territory of Romania. It addresses relevant legal procedures, legislative techniques, and existing regulations, providing a detailed analysis of how such instruments are implemented in domestic law.

A central point of the chapter is the critique of certain aspects of legislative technique, such as the positioning of specific provisions within Law No. 302/2004 on international judicial cooperation, which creates difficulties in the applicability and coherence of the regulations.

In addition, two important procedures are analyzed in detail: the recognition of judgments for the transfer of convicted persons to a prison in Romania and the resolution of cases where convicted individuals are already on the territory of Romania.

The thesis concludes with sections on conclusions and a legislative proposal, which specifically includes a concrete proposal for legislative reform aimed at improving national regulations concerning international judicial cooperation in criminal matters. The primary objective of this reform is to better integrate European norms in the field of international judicial cooperation.

We believe that the thesis provides a comprehensive and rigorous analysis of international judicial cooperation mechanisms, emphasizing the importance of a harmonized legal framework capable of contributing to the fight against cross-border crime and strengthening an effective and well-coordinated criminal justice system among states.

SELECTIVE BIBLIOGRAPHY

Legal Acts

*** Law No. 302/2004 on International Judicial Cooperation in Criminal Matters, republished, in force since August 30, 2004, with the consolidation as of November 30, 2024, based on the republication (r2) in the Official Gazette, Part I, No. 411, of May 27, 2019

*** The European Convention on Mutual Assistance in Criminal Matters of 1959, in force in Romania since December 21, 1998, with the consolidation as of November 30, 2024, based on the publication in the Official Gazette, Part I, No. 492, of December 21, 1998

*** The Charter of Fundamental Rights of the European Union (2010/C 83/2), published in the Official Journal of the European Union C83/389 on March 30, 2010

*** The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, on the one hand, and the United Kingdom of Great Britain and Northern Ireland, on the other hand, published in the Official Journal of the European Union L 149 on April 30, 2021

*** Framework Decision 2002/584/JHA of the Council of the European Union, adopted on June 13, 2002, published in the Official Journal of the European Union L 190 on July 18, 2002

*** The Treaty between Romania and the Kingdom of Norway on the Transfer of Convicted Persons, dated September 20, 2010, signed in Oslo on September 20, 2010, published in the Official Gazette, Part I, No. 33 on January 16, 2012

*** Framework Decision No. 909/2008 on the application of the principle of mutual recognition in the case of judicial decisions in criminal matters imposing penalties or custodial measures for their enforcement within the European Union, published in the Official Journal of the European Union No. 327 on December 5, 2008

*** The Lisbon Treaty

Works of the author

1. Affairs, U. N. O. L., *Report of the International Law Commission*, United Nations Publications, 2014, New York
2. Nizam Ahmed, *The Parliament of Bangladesh*. Routledge, 2018

3. Jessica Almqvist and Carlos Espósito, *The Role of Courts in Transitional Justice. Voices from Latin America and Spain*, 1st edn. Routledge, 2012
4. Dana Apostol Tofan, *Administrative Law*, Volume I, 4th Edition, C.H. Beck Publishing House, Bucharest, 2018
5. Rebecca J. Atencio, *Memory's Turn. Reckoning with Dictatorship in Brazil*, University of Wisconsin Press, 2014
6. Kathleen Auerhahn, *Selective Incapacitation and Public Policy. Evaluating California's*
7. Ilias Bantekas and Susan Nash, *International Criminal Law*, 3rd edn. Routledge-Cavendish, 2007
8. Corneliu Bîrsan, *The European Convention on Human Rights. Commentary on Articles*. Vol. I. Rights and Freedoms, All Beck Publishing House, Bucharest, 2005
9. Corneliu Bîrsan, *The European Convention on Human Rights. Commentary on Articles*. Vol. I, All Beck Publishing House, Bucharest, 2nd Edition, 2010
10. Andrea Bonomi, Ilaria Pretelli and Gian Paolo Romano, *Yearbook of Private International Law*, Vol. XX - 2018/2019, Verlag Dr. Otto Schmidt KG, 2020
11. Alexandru Boroî (Coordinator), *Business Criminal Law*, Chapter VI, 6th Edition, C.H. Beck Publishing House, Bucharest, 2016
12. Alexandru Boroî, Ion Rusu, Minodora-Ioana Rusu, *Treatise on International Judicial Cooperation in Criminal Matters*, 1st Edition, C.H. Beck Publishing House, 2016
13. Alexandru Boroî, Gina Negruţ, *Criminal Procedure Law*, 3rd Edition, Revised and Updated, Hamangiu Publishing House, 2022
14. Gabriel Boroî (coord.) and the team of authors, *The New Civil Procedure Code. Commentary on Articles*, 2nd Edition, Revised and Enlarged, Vol. I. Articles 1-455, Hamangiu Publishing House, 2016
15. János Boros, Ivan Münnich, Márton Szegedi, *Psychology and Criminal Justice. International Review of Theory and Practice*, 1st edn., Walter De Gruyter, Berlin, New York, 1998
16. David Botterill and Trevor Jones, *Tourism and Crime: key themes*, Goodfellow Publishers Ltd, Oxford, 2010
17. Delphine Brach-Thiel, *Existe-t-il encore un seul 'non bis in idem' aujourd'hui ?*, Editions L'Harmattan, 2017, Paris

18. José A. Brandariz, Witold Klaus and Agnieszka Martynowicz, *Forced Mobility of EU Citizens. Transnational Criminal Justice Instruments and the Management of "Unwanted" EU Nationals*, 1st edn. Routledge, 2024
19. David Chaikin and J.C. Sharman, *Corruption and Money Laundering. A Symbiotic Relationship*, Palgrave Macmillan, 2009
20. Damian Chalmers, Gareth Davies and Giorgio Monti, *European Union Law*, 3rd edn., Cambridge University Press
21. William J. Chambliss, *Corrections*. 1st edn. SAGE Publications, Inc., 2011
22. Francis Cheneval, Sandra Lavenex and Frank Schimmelfennig, *European Democracy as Demoi-cracy*, 1st edn. Routledge, 2015
23. Konstantin Chernenko, *Selected Speeches and Writings*, Pergamon Press, 1984
24. Mikkel Jarle Christensen and Ron Levi, *International Practices of Criminal Justice. Social and legal perspectives*, 1st edn. Routledge, 2018
25. Gaëtan Cliquennois, *The Evolving Protection of Prisoners' Rights in Europe*, 1st edn., Routledge, 2023
26. Kevin Cox, Murray Low and Jenny Robinson, *The SAGE Handbook of Political Geography*, 1st edn., 2008, SAGE Publications Ltd.
27. Robert Cryer, Håkan Friman, Darryl Robinson and Elizabeth Wilmshurst, *An Introduction to International Criminal Law and Procedure*, 3rd edn. Cambridge University Press, 2014
28. Daniela Dediu, *The European Arrest Warrant*, Universul Juridic Publishing House, 2022
29. Traian Dima, Alin Sorin Nicolescu, *Criminal Law. General Part*, 4th Edition, Revised and Enlarged, Hamangiu Publishing House, 2023
30. Rudolf Dolzer, Robert E. Hollweg, Jonathan S. Ignarski, Barrister Peter Macalister-Smith, Ann Rustemeyer, Anne M. Trebilcock, Alfred-Maurice de Zayas, *Encyclopedia of Public International Law. Human rights and the individual in international law · international economic relations*, vol. VIII, North Holland, 1986
31. Monika Domańska, Dawid Miąsik and Monika Szwarc, *National Courts and the Application of EU Law. Lessons from Poland*, 1st edn. Routledge, 2024
32. Dirk Ehlers et. all, *European Fundamental Rights and Freedoms*, 1st edn. De Gruyter Recht, Berlin, 2007

33. Mary Farrell, Stefano Fella and Michael Newman, *European Integration in the Twenty-First Century. Unity in Diversity?*, 1st edn. SAGE Publications Ltd., 2002
34. Christian Kaunert, Sarah Léonard and John D. Occhipinti, *Justice and Home Affairs Agencies in the European Union*, 1st edn. Routledge, 2015
35. Christie Kenneth, *The South African Truth Commission*, Palgrave Macmillan, 2000
36. Fiorella Kostoris Padoa Schioppa, *The Principles of Mutual Recognition in the European Integration Process*, Ed. Palgrave Macmillan, New York, 2005
37. Andrew H. Kydd, *Trust and Mistrust in International Relations*, Princeton University Press, 2005
38. Anthony F. Lang, Jr. And John Williams, *Hannah Arendt and International Relations*, Palgrave Macmillan, 2005
39. Frédéric Lemieux, *International Police Cooperation. Emerging issues, theory and practice*, Routledge, 2013
40. Andrew Novak, *Criminal Convictions in U.S. Tribal Law*, 1st edn. Routledge, 2024
41. Gaiane Nuridzhanian, *The Principle of ne bis in idem in International Criminal Law. Balancing the interests of individual, states, and the international community.*, 1st edn. Routledge, 2024,
42. Anthony O'Hear, *Moral Philosophy*, Cambridge University Press, 2022
43. Sabela Oubiña Barbolla, *The European Arrest Warrant in Law and Practice* in Stefano Ruggeri and Herausgegeben von Arndt Sinn, *Schriften des Zentrums für Europäische und Internationale Strafrechtsstudien* (Publicații ale Centrului de Studii de Drept Penal European și Internațional), 1st edn. V&R unipress, 2012
44. Daniel Pascoe and Andrew Novak, *Executive Clemency. Comparative and empirical perspectives*, 1st edn. Routledge, 2021
45. Ilie Pascu, Andreea Simona Uzlaşu, Gheorghe Muscalu, *Criminal Law. General Part*, 5th Edition, Hamangiu Publishing House, 2023
46. Elina Paunio, *Legal Certainty in Multilingual EU Law. Language, Discourse and Reasoning at the European Court of Justice*, 1st edn. Routledge, 2016
47. Ioana-Celina Pașca, *International Criminal Law. University Course*, Universul Juridic Publishing House, Bucharest, 2020

48. Mihaela Pătrăuș, *International Judicial Cooperation in Criminal Matters. Compendium. Legislation, Doctrine, European and National Case Law*, Universul Juridic Publishing House, 2021, Bucharest
49. Amanda E. Perry, Cynthia McDougall and David P. Farrington, *Reducing Crime. The Effectiveness of Criminal Justice Interventions*, 1st edn. John Wiley & Sons Ltd, 2006
50. Tommaso Rafaraci, *The application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention* in Stefano Ruggeri and Herausgegeben von Arndt Sinn, *Schriften des Zentrums für Europäische und Internationale Strafrechtsstudien* (Publicații ale Centrului de Studii de Drept Penal European și Internațional), 1st edn. V&R unipress, 2012
51. Andrea Ryan, *Towards a System of European Criminal Justice. The problem of admissibility of evidence*, 1st edn. Routledge, 2014
52. Sara Iglesias Sánchez and Maribel González Pascual, *Fundamental Rights in the EU Area of Freedom, Security and Justice*, Cambridge University Press, 2021
53. Charles Sampford and Ramesh Thakur, *Institutional Supports for the International Rule of Law*, 1st edn. Routledge, 2015
54. Ernesto U. Savona and Phil Williams, *The United Nations and Transnational Organized Crime*, 1st edn. Routledge, 2012
55. William A. Schabas, *An Introduction to the International Criminal Court*, 6th edn. Cambridge University Press, 2020
56. Martin Scheinin, *Human Rights Norms in 'Other' International Courts*, Cambridge University Press, 2019
57. Robert Schütze, *Globalisation and Governance. International Problems, European Solutions*, Cambridge University Press, 2018
58. Ole Jacob Sending, Vincent Pouliot, Iver B. Neumann, *Diplomacy and the Making of World Politics*, Cambridge University Press, 2015
59. Larry J. Siegel and John Worrall, *Essentials of criminal justice*, Cengage Learning, Inc., 2017
60. Olivera Simić, *An Introduction to Transitional Justice*, 1st edn. Routledge, 2017
61. Frances H. Simon, *Prisoners' Work and Vocational Training*. 1st edn. Routledge, 1999

62. Adrian Șandru, Mihai Morar, Dorel Herinean, Ovidiu Predescu, *The European Public Prosecutor's Office. Regulation. Controversies. Explanations*, Universul Juridic Publishing House, 2021
63. Grigore Gr. Teodoru, *Treatise on Criminal Procedure Law*, 4th Edition, Hamangiu Publishing House, Bucharest, 2020
64. Tudorel Toader, Maria-Ioana Michinici, Anda Crișu-Ciocîntă, Mihai Dunea, Ruxandra Răducanu, Sebastian Rădulețu, *The New Criminal Code. Commentary on Articles*, Hamangiu Publishing House, Bucharest, 2014
65. Mihail Udrioiu (coord.), *Criminal Procedure Code. Commentary on Articles*, 2nd Edition, C.H. Beck Publishing House, Bucharest, 2017
66. M. Udrioiu (Coordinator) and the authors, *Criminal Procedure Code. Commentary on Articles*, 3rd Edition, Revised and Enlarged, C.H. Beck Publishing House, Bucharest, 2020
67. Damien Vandermeersch, *La justice pénale internationale dans les décisions des tribunaux ad hoc. Etudes des Law Clinics en droit pénal international*, sub coordonarea autorilor Emanuela Fronza și Stefano Manacorda, Editura GIUFFRÈ, Paris, 2003
68. Kenneth J. Vandeveld, *Thinking Like a Lawyer. An Introduction to Legal Reasoning*, 2nd edn., Routledge, 2018,
69. Verginia Vedinaș, *Theoretical and Practical Treatise on Administrative Law*, Volume II, Universul Juridic Publishing House, 2018
70. Ronald J. Waldron, Chester L. Quarles, David H. McElreath, Michelle E. Waldron, David Ethan Milstein, *The Criminal Justice System. An Introduction*, Fifth Edition edn. Routledge 2017
71. L. Weimer and Aidan R.Vining, *Investing in the Disadvantaged*, Georgetown University Press, 2009
72. Harmen van der Wilt, *The Law and Practice of Extradition*, 2022, 1st edn. Routledge
73. John Winterdyk, Benjamin Perrin and Philip Reichel, *Human Trafficking. Exploring the International Nature, Concerns and Complexities*, 1st edn. Routledge, 2011
74. Onuma Yasuaki, *International Law in a Transcivilizational World*, Cambridge University Press. 2017
75. Svitlana Zadorozhna, *Political and moral aspects of Guaranteeing the principles of International law*, în *European Journal of Law and Public Administration*, Editura Lumen Publishing House, 2018, Volume 5, Issue 1

76. Bruce Zagaris, *International White Collar Crime. Cases and Materials*, 2nd edn., Cambridge University Press, 2015

Articles, publications, research papers

*** Purec-Popescu (married name Moraru) Cezarina, *Combating Corruption in the Private Sector at the International Level*, in Curierul Judiciar Journal No. 3/2021, C.H. Beck Publishing House, Bucharest, 2021

***Moraru Cezarina and Costela Dumitrache, “*Considerations on the recognition and enforcement of judgments in relation to the United Kingdom of Great Britain and Northern Ireland in the transitional period and after 1 january 2021.*”, Analele Universității Titu Maiorescu, Drept XX, 2021

*** Moraru Cezarina, Radu Marcela, *Some considerations on international judicial cooperation in criminal matters between Romania and the United Kingdom of Great Britain as of 1 january 2021 with reference to the institution of the european arrest warrant*, International Conference on Education and Creativity for a Knowledge-Based Society - LAW, Bucharest, Titu Maiorescu University, 2021, ISSN 2248-0064, Österreichische Nationalbibliothek Wien, The International Conference Education and Creativity for a Knowledge – based Society – LAW, Vienna, Österreichish, Rumanischer Akademischer Verein, 2021, ISBN 978-3-9503145-3-3, XVTH Edition

*** Maria Stefania Cataleta, *Les droits de la defense devant la Cour penale internationale*, teză de doctorat din 19 decembrie 2014, Université de Nice-Sophia Antipolis, Faculte institut du droit de la paix et du developpement, p. 73, în note de subsol.

*** Lusía Indrastuti, Doris Rahmat, *Scope and standards of the double criminality principle in extradition agreements*, articol publicat în platforma online International Journal of Educational Research & Social Sciences, ISSN: 2774-5406

*** Jérôme Bossan, *L’interet general dans le proces penal*, teză de doctorat din 19 juin 2007, Universite de Poitiers, Faculte de droit et des sciences sociales. École doctorale – sciences juridiques – Ed 08

*** Virginia Morris, *Double Jeopardy: Women Who Kill in Victorian Fiction*, Lexington, Kentucky: University Press of Kentucky, 1990, 182 pp. Illus, Reviewed by Carolyn Strange, Division of Humanities Griffith University, Brisbane, Australia, CJLS/RCDS Vol. 7 #2

(Fall/automne 1992), in Canadian journal of law and society, Cambridge University Press (CUP), 1992

*** Lorenzo Bernardini, *Reopening Criminal Proceedings and Ne Bis in Idem: Towards a Weaker Res Iudicata in Europe?*, articol publicat în European Papers, Vol. 9, 2024, No 1, pag. 311, ISSN 2499-8249

*** Al. Boroi, I. Rusu, M.-I. Balan Rusu, *The Judicial Cooperation in Criminal Matters in the European Union, EU Judicial Cooperation*, LAP LAMBERT Academic Publishing, Danubius University, Saarbrücken, Germania, 2012

*** Ivo Šlosarcík, *EU Police and Judicial Cooperation in Criminal Law: Balancing Efficiency and Human Rights Protection*, PART III – A RENEWED ACTION IN JUSTICE AND HOME AFFAIRS

*** Gament Niculae, *The Application of the Decriminalization Penal Law in the Concept of the New Criminal Code*, in Universul Juridic Premium Journal No. 6/2016

Various

*** European Commission, Commission Communication - Handbook on the Transfer of Convicted Persons and the Enforcement of Custodial Sentences in the European Union ##1129(01), (2019/C 403/02), published in the Official Journal of the EU - C No. 403 on November 29, 2019

*** Themis Journal No. 1/2019, National Institute of the Judiciary

*** Decision No. 26 of December 7, 2015, rendered by the High Court of Cassation and Justice - Panel competent to adjudicate the appeal in the interest of the law, published in the Official Gazette of Romania, Part I, No. 64 on January 28, 2016

*** C-281/22 - Provisional Edition, Conclusions of Advocate General Mrs. Tamara Čápeta presented on June 22, 2023(1) - G.K., B.O.D. GmbH, S.L.

*** Criminal Sentence No. 103 of July 12, 2021, rendered by the Bacău Court of Appeal, Criminal Section and for Cases Involving Minors and Family Matters

*** *Handbook on the Transfer of Convicted Persons and the Enforcement of Custodial Sentences in the European Union*, (2019/C 403/02), published in the Official Journal of the European Union C 403/6 on November 29, 2019

*** United Nations Office on Drugs and Crime (UNODC), *Basic Training Manual on Investigating and Prosecuting the Smuggling of Migrants*, United Nations Publications, New York, 2010

*** Guide on the Transfer of Convicted Persons between Romania and Norway

*** Decision No. 259 of March 28, 2023, rendered by the High Court of Cassation and Justice, Criminal Section, in the Collection of Case Law: Criminal - August 2024, Universul Juridic Publishing House, ProLege Editorial Office

*** *Practical Guide on Judicial Cooperation in Criminal Matters. A Comparative Perspective of the Legal Instruments Used in Germany, Romania, Spain, and Sweden*, JUST/2013/JPEN/AG/4475 Strengthening Judicial Cooperation at the European Level, 2016

*** Criminal Sentence No. 128/F of June 27, 2019, rendered by the Bucharest Court of Appeal in Luminița Criștiu-Ninu, Bucharest Court of Appeal, Bulletin of Case Law, Annual Repertoire 2019, Universul Juridic Publishing House.

*** Judgment of the European Court of Human Rights of July 8, 2019, rendered in case No. 54012/10

*** Case of Allen v. the United Kingdom

*** C-367/16 - Judgment of the Court (Grand Chamber) of January 23, 2018

*** Decision No. 341/2014 of the Constitutional Court of Romania regarding the rejection of the exception of unconstitutionality of the provisions of Article 125, paragraph 3 of the 1969 Penal Code, published in the Official Gazette, Part I, No. 595 on August 8, 2014

*** Ruling No. 118 of March 1, 2023, rendered by the High Court of Cassation and Justice, Criminal Section, unpublished

Bibliographic resources on the internet

*** <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A270%3AFIN>

***<https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=188587#highlight=##>

***<https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=170858#highlight=##>

***<https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=192485#highlight=##>

***<https://www.scj.ro/1093/Detalii-jurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=192030#highlight=##>

***<https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX%3A62007CJ0297&qid=1735333999918>

***https://www.legifrance.gouv.fr/codes/section_lc/LEGITEXT000006070719/LEGISCTA000006089684/#LEGISCTA000006089684

***https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://curia.europa.eu/jcms/jcms/p1_4377611/de/&ved=2ahUKEwjT7dnXpq2KAxVAQPEDHagCKuYQFnoECBQQAQ&usg=AOvVaw0xxshRfln0_hd5-Ahbocvv

*** <https://eur-lex.europa.eu/legal-content/RO/ALL/?uri=ecli:ECLI:EU:C:2018:27>

***<https://archive.crin.org/en/home/ages/europe.html> și https://e-justice.europa.eu/35998/RO/rights_of_minors_in_court_proceedings?AUSTRIA&member=1

[https://hudoc.echr.coe.int/eng#{%22sort%22:\[%22kdate%20Descending%22\],\[%22itemid%22:\[%22001-194523%22\]\]}](https://hudoc.echr.coe.int/eng#{%22sort%22:[%22kdate%20Descending%22],[%22itemid%22:[%22001-194523%22]]})