

No. 50777

**United States of America
and
Romania**

Treaty between the United States of America and Romania on mutual legal assistance in criminal matters (with forms). Washington, 26 May 1999

Entry into force: *17 October 2001 by the exchange of the instruments of ratification, in accordance with article 20*

Authentic texts: *English and Romanian*

Registration with the Secretariat of the United Nations: *United States of America, 22 May 2013*

**États-Unis d'Amérique
et
Roumanie**

Traité entre les États-Unis d'Amérique et la Roumanie relatif à l'entraide judiciaire en matière pénale (avec formulaires). Washington, 26 mai 1999

Entrée en vigueur : *17 octobre 2001 par l'échange des instruments de ratification, conformément à l'article 20*

Textes authentiques : *anglais et roumain*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 22 mai 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**TREATY BETWEEN
THE UNITED STATES OF AMERICA
AND
ROMANIA
ON MUTUAL LEGAL
ASSISTANCE IN CRIMINAL MATTERS**

The United States of America and Romania,

Desiring to improve the effectiveness of both countries in the investigation, prosecution, and prevention of crime through cooperation and mutual legal assistance in criminal matters,

Have agreed as follows:

Article 1
Scope of Assistance

1. The Contracting Parties shall provide mutual assistance, in accordance with the provisions of this Treaty, in connection with the investigation, prosecution, and prevention of offenses, and in proceedings related to criminal matters.

2. Assistance shall include:

- (a) taking the testimony or statements of persons;**
- (b) providing documents, records, and other items;**
- (c) locating or identifying persons or items;**
- (d) serving documents;**
- (e) transferring persons in custody for testimony or other purposes;**
- (f) executing searches and seizures;**
- (g) assisting in proceedings related to immobilization and forfeiture of assets; restitution; collection of fines; and**
- (h) any other form of assistance not prohibited by the laws of the Requested State.**

3. Except as otherwise provided in this Treaty, assistance shall be provided without regard to whether the conduct that is the subject of the investigation, prosecution, or proceeding in the Requesting State would constitute an offense under the laws of the Requested State.

4. This Treaty is intended solely for mutual legal assistance between the Contracting Parties. The provisions of this Treaty shall not give rise to a right on the part of any private person to obtain, suppress, or exclude any evidence, or to impede the execution of a request.

Article 2
Central Authorities

1. Each Contracting Party shall designate a Central Authority to make and receive requests pursuant to this Treaty.

2. For the United States of America, the Central Authority shall be the Attorney General or a person designated by the Attorney General. For Romania, the Central Authority shall be the Minister of Justice.

3. The Central Authorities shall communicate directly with one another for the purposes of this Treaty.

Article 3
Limitations on Assistance

- 1. The Central Authority of the Requested State may deny assistance if:**
- (a) the request relates to an offense under military law that would not be an offense under ordinary criminal law;**
 - (b) the execution of the request would prejudice the security or similar essential interests of the Requested State;**
 - (c) the request relates to an offense which is considered by the Requested State to be a political offense; or**
 - (d) the request is not made in conformity with the Treaty.**

2. Before denying assistance pursuant to this Article, the Central Authority of the Requested State shall consult with the Central Authority of the Requesting State to consider whether assistance can be given subject to such conditions as it deems necessary. If the Requesting State accepts assistance subject to these conditions, it shall comply with the conditions.