

According to the draft of the emergency ordinance available on the website of the Ministry of Justice today, 19th of January 2017, pardon is applicable for the following offences:

**A. Criminal Code**

**TITLE IV - Obstruction of justice**

**ART. 266**

**Failure to report**

(1) The act of the individual who, becoming aware of the commission of an offense against human life or which resulted in the death of an individual, as provided by criminal law, does not notify the authorities immediately, shall be punishable by no less than 6 months and no more than 2 years of imprisonment or by a fine.

(2) Failure to report shall not be punishable when committed by a family member.

(3) A person who, before the commencement of criminal action against an individual for the commission of the offense that was not reported, notifies the relevant authorities concerning such offense or who, even after commencement of the criminal action, has facilitated the criminal action against the perpetrator or the other persons involved in the commission of the offense, shall not be punishable.

**ART. 267**

**Omission to notify the judicial bodies**

(1) The act of a public servant who, becoming aware of the commission of an offense criminalized by law in connection with the service where they work, omits to immediately notify the criminal investigation body, shall be punishable by no less than 3 months and no more than 3 years of imprisonment or by a fine.

(2) If the act is committed with basic intent, the penalty shall consist of no less than 3 months and no more than 1 years of imprisonment or a fine

**ART. 268**

**Misleading the judicial bodies**

(1) The criminal notification, by report or complaint, in relation to the existence of an act provided for in criminal law or in relation to the commission of such an act by a certain person, while being aware of the fact that it is not real, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) The production or fabrication of false evidence, in order to prove the existence of an act stipulated by criminal law or in relation to the commission of such an act by a certain person, shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(3) The individual who has misled the judicial bodies shall not be punishable if they declare, before the detainment, arrest or commencement of the criminal action against the individual in relation to whom the report or complaint has been lodged or the evidence has been brought, that the report, complaint or evidence is not real.

**ART. 269**

**Aiding and abetting a perpetrator**

(1) The act of aiding and abetting a perpetrator, for the purposes of preventing or hindering the investigation in a criminal case, criminal liability, serving a sentence or a

custodial sentence shall be punishable by no less than 1 and no more than 5 years of imprisonment or by a fine.

(2) The penalty for the individual who has aided and abetted the perpetrator may not exceed the penalty provided by the law for the offense committed by the perpetrator.

3) Aiding and abetting committed by a family member shall not be punishable.

#### **ART. 270**

##### **Receipt and sale of stolen goods**

(1) Whoever receives, acquires or converts an asset, or facilitates disposal thereof, knowing or foreseeing, following concrete circumstances, that the asset originates from the commission of an act stipulated by criminal law, even without awareness of its nature, shall be punishable by no less than 1 and no more than 5 years of imprisonment or by a fine.

(2) The penalty for the individual engaging in the receipt and sale cannot exceed the penalty provided by the law for the offense committed by the perpetrator.

3) When this offense is committed by a family member it shall not be punishable.

#### **ART. 271**

##### **Obstruction of justice**

(1) The individual who, being warned of the consequences of their actions:

a) unlawfully prevents the criminal prosecution body or the court to conduct a procedural act as under the law;

b) refuses to provide the criminal prosecution body, the court or the bankruptcy judge, in whole or in part, any data, information, documents or assets they hold and which have been explicitly requested, under the law, in order to settle a case, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(2) Par. (1) does not apply to an individual who is prosecuted or on trial for offenses that are the subject of the criminal trial.

#### **ART. 272**

##### **Tampering with testimony**

(1) The attempt to determine, or determining an individual, regardless of their capacity, by coercion, corruption, or by another act of intimidation, committed on said individual or on one of their family members, to refrain from notifying the criminal investigation authorities, to refrain from giving statements, to withdraw their statements, to give false statements or to refrain from submitting evidence in a criminal or civil case or in any other judicial proceedings, shall be punishable by no less than 1 and no more than 5 years of imprisonment. If the intimidation or corruption act is in itself an offense, the rules for multiple offenses shall apply.

(2) A material settlement between the perpetrator and the victim, occurring in the case of offenses for which criminal action is to be initiated based on prior complaint by the victim or for which reconciliation occurs, does not constitute an offense.

#### **ART. 273**

##### **False testimony**

(1) The act of a witness who, in a criminal, civil or other proceeding in which witnesses are heard, gives false statements, or does not tell everything they know regarding the

essential acts or circumstances in relation to which they are heard, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) The false testimony committed:

- a) by a witness whose identity is protected or who is included in the witness protection program;
- b) an investigator working undercover;
- c) a person who prepares an expert report or an interpreter;
- d) in relation to an offense for which the law provides life imprisonment or a term of imprisonment of 10 years or more shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(3) The witness shall not be punishable if they withdraw their testimony, in criminal cases, before the defendant's detention or arrest, or before the commencement of the criminal action or in other cases before a decision or another solution is given, following the false testimony given.

#### **ART. 274**

##### **Revenge for cooperation with the judicial authorities**

The commission of an offense against an individual or a family member thereof, for having notified the criminal investigation authorities, for having given statements or for having given evidence in a criminal, civil or other proceeding of the ones set out in [Art. 273](#) shall be punished as provided by the law for these offenses, and the special limits of the penalty shall be increased by one-third.

#### **ART. 275**

##### **Stealing or destroying evidence or documents**

(1) The act of stealing, destroying, withholding, concealing or altering material evidence or documents, for the purposes of preventing the judicial authorities to find out the truth in a judicial proceeding shall be punishable by no less than 6 months and no more than 5 years of imprisonment.

(2) The same penalty is applicable to the act of preventing, in any way, a document necessary for the solution of a case, issued by a judicial body or directed to it, from reaching its recipient.

#### **ART. 276**

##### **Placing pressure on justice**

The act of an individual who, during an ongoing legal proceeding, makes false public statements regarding the commission, by the judge or by the criminal investigation authorities, of an offense or of a serious disciplinary violation related to the investigation of the cause in question, in order to influence or intimidate them, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

#### **ART. 277**

##### **Undermining justice**

(1) Unlawful revealing of confidential information regarding the date, time, place, manner or means by which evidence is to be administered, by a magistrate or by another public servant who has become aware thereof by virtue of their office, if such action can hinder or obstruct the criminal prosecution, shall be punishable by no less than 3 months

and no more than 2 years of imprisonment or by a fine.

(2) Unlawful disclosure of evidence or official documents in a criminal case, before taking a decision not to prosecute or before the return of a final ruling in the matter, by a public servant who has become aware thereof by virtue of their office, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

(3) Unlawful disclosure of confidential information in a criminal case, by a witness, expert or interpreter, when a prohibition to do so is set out in the criminal procedure law, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

(4) The act by which obviously illegal acts or activities, committed by the authorities in a criminal case, are disclosed or revealed, does not constitute an offense.

#### **ART. 278**

##### **Violation of the solemnity of the hearing**

The use of offensive or obscene words or gestures, which would disrupt the court, by a person participating in or attending a proceeding that takes place in court, shall be punishable by no less than 1 and no more than 3 months of imprisonment or by a fine.

#### **ART. 287**

##### **Failure to enforce court orders**

(1) The failure to enforce court orders, committed:

- a) by resisting the enforcement of a court decision, by resisting the actions of the authority in charge of said enforcement;
- b) by the refusal of the authority in charge of the enforcement to enforce a court order, by means of which it must carry out a certain act;
- c) by the refusal to support the authority in charge of the enforcement in implementing the court order, by individuals who are under this obligation by law;
- d) by failure to enforce a court order reinstating an employee;
- e) by failure to enforce the court order regarding the payment of wages within 15 days of the date when the enforcement request was submitted by the interested party to the employer;
- f) by failure to enforce court orders on establishing, paying, indexing and recalculating pensions;
- g) preventing an individual from using, in whole or in part, a house or part of a house or building held based on a court order, committed by the person against whom the court order was returned, shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by fine.

(2) In the case of the acts listed under lett. d) through g), criminal action shall be initiated based on a prior complaint filed by the victim.

#### **ART. 288**

##### **Failure to serve criminal penalties**

(1) The act of evading the service of or the failure to serve, according to the legal stipulations, an ancillary or additional sentence or a security measure provided in [Art. 108](#) lett. b) and c), by an individual against whom such penalties were ordered, shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine, unless such act is a more serious offense.

(2) Evading the service of a custodial educational sentence by unlawfully leaving the education or detention centre or by the failure to report to their place of detention after the expiry of the period of time during which they were legally at large, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(3) The failure to serve, by a trustee or administrator, of the ancillary sentences returned against a legal entity as listed in Art. 141 shall be punishable by a fine.

## **TITLE V - Corruption and offenses in public position**

### **CHAPTER I - Corruption**

#### **ART. 293**

##### **Acts committed by members of the courts of arbiters or in connection thereto**

The stipulations under Article 289 and Article 290 shall apply accordingly also to persons who, based on an arbitration agreement, are called upon to issue a ruling with respect to a case entrusted to them for settlement by the parties to that agreement, irrespective whether the arbitration proceedings are carried out based on the Romanian law or based on another law.

#### **ART. 294**

##### **Acts committed by foreign officials or related to them**

The stipulations of this Chapter shall apply to the following persons, unless the international agreements that Romania is party to provide otherwise:

- a) officials or persons who carry out their activity based on a labor agreement or other persons with similar duties in an international public organization that Romania is party to;
- b) members of parliamentary assemblies of international organizations that Romania is party to;
- c) officials or persons who carry out their activities based on a labor agreement or other persons with similar duties within the European Union;
- d) persons who exercise judicial functions within the international courts whose jurisdiction is accepted by Romania, as well as officials working for the registrar's office of such courts;
- e) officials of a foreign state;
- f) members of parliamentary or administrative assemblies of a foreign state;
- g) jurors within foreign courts.

### **CHAPTER II - Offenses in public position**

#### **ART. 295**

##### **Embezzlement**

1) Acceptance, use or traffic of money, valuables or any other assets managed or administrated by a public servant, on their or on another person's behalf, shall be punishable by no less than 2 and no more than 7 years of imprisonment and the ban from exercising the right of holding public office.

(2) The attempt thereof shall be punishable.

#### **ART. 296**

##### **Abusive conduct**

(1) Use of offensive language toward another person by the one carrying out

professional duties shall be punishable by no less than one month and no more than 6 months of imprisonment, or by a fine.

(2) The threat, the assault or any other acts of violence committed in the conditions provided under par. (1) shall be penalized by the punishment stipulated in the law for that crime, whereas the special limits shall be increased by one-third.

#### **ART. 297**

##### **Abuse in office**

(1) The action of the public servant who, while exercising their professional responsibilities, fails to implement an act or implements it faultily, thus causing damage or violating the legitimate rights or interests of a natural or a legal entity, shall be punishable by no less than 2 and no more than 7 years of imprisonment and the ban from exercising the right to hold a public office.

(2) The same punishment applies to the action of a public servant who, while exercising their professional responsibilities, limits the exercise of a right of a person or creates for the latter a situation of inferiority on grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, political membership, wealth, age, disability, chronic non-transmissible disease or HIV/AIDS infection.

#### **ART. 298**

##### **Professional negligence**

The culpable breach by a public official of a professional duty by failing to carrying it out or by faultily carrying it out, if it results in damage or violation of the legitimate rights or interests of a natural or legal entity shall be punishable by no less than 3 months and no more than 3 years of imprisonment, or by a fine.

#### **ART. 299**

##### **Abuse of power for sexual gain**

(1) The action of the public servant who, for the purpose of performing or not performing, speeding up or delaying the performance of an act related to their professional duties or for the purposes of performing an act contrary to such duties, solicits or is awarded sexual favors by a person who has a direct or indirect vested interest in that professional act shall be punishable by no less than 6 months and no more than 3 years of imprisonment and the ban from exercising the right to hold a public office or to practice the profession or the activity in the exercise of which the action was committed.

(2) The solicitation by or the award of sexual favors to a public servant who uses or takes advantage of a situation of authority or power over the victim, arising from the office held, shall be punishable by no less than 3 months and no more than 3 years of imprisonment, or by a fine and the ban from exercising the right to hold public office or to practice the profession or the activity in the exercise of which the action was committed.

#### **ART. 300**

##### **Abuse of position**

The conduct of the public servant who, while at work, performs an act that does not fall under their duties, if such results in one of the consequences provided under Article 297, shall be punishable by no less than 1 and no more than 5 years of imprisonment, or by a fine.

## **ART. 301**

### **Conflict of interests**

(1) The conduct of the public servant who, while carrying out their professional duties, committed an act or participated in making a decision that resulted, directly or indirectly, in a material gain for themselves, their spouses, for a relative or an affiliate, including those twice removed, or for another person with whom they were in business or labor relations for the past 5 years or from whom they had or have benefits of any nature, shall be punishable by no less than 1 and no more than 5 years of imprisonment and the ban from exercising the right to hold a public office.

(2) Par. (1) shall not apply to issuing, endorsing or adopting regulatory documents.

## **ART. 302**

### **Violating the privacy of correspondence**

(1) Opening, stealing, destroying or seizing, without any right, the correspondence addressed to another person, as well as the unlawful revelation of the contents of such correspondence, even when it was sent open or it was opened by mistake, shall be punishable by no less than 3 months and no more than 1 year of imprisonment, or by a fine.

(2) Unlawful wiretapping of phone or any electronic means of communication shall be punishable by no less than 6 months and no more than 3 years of imprisonment.

(3) If the actions provided under par. (1) and par. (2) were committed by a public servant holding the legal obligation to observe professional secrecy and the confidentiality of information they are privy to, the punishment shall be no less than 1 year and no more than 5 years of imprisonment and deprivation of certain rights.

(4) The unlawful revealing, broadcasting, presenting or transmitting to another person or to the general public the contents of a wiretapped conversation or communication, even when the perpetrator became aware of it by mistake or by chance, shall be punishable by no less than 3 months and no more than 2 years of imprisonment, or by a fine.

(5) The following acts committed shall not be constitute offenses:

a) if the perpetrator catches a crime in the act or contributes to providing evidence as to the commission of a crime;

b) if the perpetrator catches acts of public interest, with significance for the life of the community, and whose revelation has public advantages much higher than the damage caused to the victim.

(6) The unlawful possession or manufacturing of specific wiretapping or communication recording devices shall be punishable by no less than 3 months and no more than 3 years of imprisonment, or by a fine.

(7) In the case of the actions provided under par. (1), the criminal investigation shall be launched based on the preliminary report by the victim.

## **ART. 303**

### **Disclosure of information classified as state secret**

(1) The unlawful disclosure of information classified as state secret by the person aware thereof owing to their professional responsibilities, if it affects the interests of a legal entity of those provided under Article 176, shall be punishable by no less than 2 and no more than 7 years of imprisonment and the ban from exercising certain rights.

(2) The unlawful possession of a document, beyond one's professional responsibilities, containing state-secret information, if likely to affect the activity of one of the legal entities provided under Article 176, shall be punishable by no less than 3 months and no

more than 2 years of imprisonment, or by a fine.

(3) The person in possession of a document containing state-secret information, which is likely to affect the activity of one of the legal entities provided under Article 176, shall not be punishable if they surrender the document without delay to the issuing body or institution.

#### **ART. 304**

##### **Disclosure of information classified as service secret or not public**

(1) The unlawful disclosure of information classified as service secret, or which is not for the general public, by the person aware thereof owing to their professional responsibilities, if it affects the interests or the activity of a person, shall be punishable by no less than 3 months and no more than 3 years of imprisonment, or by a fine.

(2) The unlawful disclosure of information classified as service secret, or which is not for the general public, by the person aware thereof shall be punishable by no less than 1 month and no more than 1 year, or by a fine.

(3) If, as a result of the action provided under par. (1) and par. (2), a crime was committed against an undercover investigator, a protected witness or a person included in the Witness Protection Program, the punishment shall be no less than 2 and no more than 7 years of imprisonment and if a crime against life was committed with direct intent, shall be punishable by no less than 5 and no more than 12 years of imprisonment.

#### **ART. 305**

##### **Negligence in storing information**

(1) The negligence resulting in the destruction, alteration, loss or theft of a document containing state-secret information, as well as the negligence resulting in another person's becoming aware of such information shall be punishable by no less than 3 months and no more than 1 year of imprisonment, or by a fine.

(2) The same punishment shall be applied to the actions under Article 303 par. (1) and Article 304, in case they were committed with basic intent.

#### **ART. 306**

##### **Illegal monetary gain**

(1) Use or submission of false, inaccurate or incomplete documents or data, to receive the approvals or the guarantees required for the award of funding obtained or guaranteed from public funds, if it results in the unjust award of such funds, shall be punishable by no less than 2 and no more than 7 years of imprisonment.

(2) The attempt thereof shall be punishable.

#### **ART. 307**

##### **Diversion of funds**

(1) Diversion from their original destination of money or material resources allocated to a public authority or public institution, without observing the legal stipulations shall be punishable by no less than 1 year and no more than 5 years of imprisonment.

(2) The same punishment shall apply to diversion, without observing the legal stipulations, of the destination of funds resulting from the funding obtained or guaranteed from public funds.

(3) The attempt thereof shall be punishable.

## **ART. 309**

### **Actions that resulted in extremely severe consequences**

If the actions provided under Article 295, Article 297, Article 298, Article 300, Article 303, Article 304, Article 306 or Article 307 caused extremely severe consequences, the special limits of the punishment stipulated in the law shall increase by one-half.

## **TITLE IX - Election offenses**

## **ART. 385**

### **Preventing the exercise of electoral rights**

- (1) Preventing, by any means, the free exercise of the right to elect or be elected shall be punishable by no less than 6 months and no more than 3 years of imprisonment.
- (2) An attack, by any means, on the polling station shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

## **ART. 386**

### **Corruption of voters**

- (1) The act of offering or giving money or other benefits in order to determine a voter to vote or not to vote for a certain list of candidates or for an independent candidate shall be punishable by no less than 6 months and no more than 3 years of imprisonment and a ban on the exercise of certain rights.
- (2) The goods of symbolic value, bearing the insignia of a political party, are not included in the category of goods mentioned in par. (1).

## **ART. 387**

### **Voting fraud**

- (1) The act committed by the individual who votes:
  - a) without having the right;
  - b) two or more times;
  - c) by introducing in the box more ballots than allowed;shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine and a ban on the exercise of certain rights.
- (2) The same penalty shall apply to the use of a voter card or identity document that are counterfeit, or to the use of counterfeit ballots.

## **ART. 388**

### **Electronic vote fraud**

The act of printing and using false access data, fraudulent access to the electronic voting system or falsification, by any means, of electronic vote ballots shall be punishable by no less than 1 and no more than 5 years of imprisonment.

## **ART. 389**

### **Violation of voting secrecy**

- (1) The violation, by any means, of the voting secrecy shall be punished by a fine (2) If the act was committed by a member of the electoral bureau of the polling section, it shall be punishable by no less than 6 months and no more than 3 years of imprisonment and a ban on the exercise of certain rights.

## **ART. 390**

### **Failure to observe the rules governing ballot boxes**

(1) The act of opening a ballot box before the time established for the closure of elections shall be punishable by no less than 1 and no more than 3 years of imprisonment or by a fine and a ban on the exercise of certain rights.

(2) Entrusting the special ballot box to individuals other than members of the electoral bureau of the polling station, or its transportation by other individuals or in conditions different from those provided by law shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine and a ban on the exercise of certain rights.

## **ART. 391**

### **Counterfeiting documents and voting records**

(1) Falsification by any means of electoral documents from polling stations shall be punishable by no less than 1 and no more than 5 years of imprisonment and a ban on the

exercise of certain rights.

(2) The same penalty shall apply to the enrolment on the copy of the permanent voting list or on the supplementary voting list of individuals who do not belong on such list.

(3) The introduction in use, or the use of flawed computer software that alters the records

or the counting of results from the polling stations or that determines the illegal distribution of seats shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(4) The same penalty shall apply to the input of data, information or procedures that lead

to alterations in the national computer system required to establish the election results.

## **ART. 392**

### **Offenses committed in relation to a referendum**

The stipulations of [Art. 385](#) - 391 shall apply accordingly in the case of offenses committed in relation to a referendum

## **ART. 393**

### **Punishing the attempt**

The attempt to commit the offenses set out in [Art. 385](#) and [Art. 387](#) - 391 shall be punishable.

## **B. LAW No. 78/2000 on preventing, discovering and sanctioning corruption offences**

**Art. 7** - (1) The offence of taking bribe or traffic of influence committed by a person who:

a) exercises a position of public dignity;

b) is a judge or a prosecutor;

c) is a criminal investigation body or is in charge with ascertaining or sanctioning contraventions;

d) is one of the persons provided by article 293 of the Criminal Code

is punished according to art. 289 or 291 of the Criminal Code, whose limits are increased by a third.

### Section 3 - Offences assimilated to those of corruption

**Art. 10** - The following offences shall be punished with imprisonment from 3 to 10 years and the interdiction of certain rights, if committed for the purpose of obtaining money, goods or other undue advantages for himself/herself, or for other person:

- a) establishing, deliberately, a diminished value, compared to the real market value, of the goods belonging to the economic agents to which the state or an authority of the local public administration is a shareholder, committed during the privatization process, the enforcing of a court decision, the judicial reorganization or liquidation or on the occasion of a commercial transaction or when selling the goods belonging to public authorities or public institutions, or during the enforcement of the court decision, committed by those persons holding management, leading or administrative tasks or by the persons with tasks of enforcing court decisions, of judicial reorganization or of liquidation;
- b) granting subsidies by infringing the law or not supervising, according to the law, the contracted destinations of the subsidies;
- c) using subsidies for other purposes than those they had been granted for, as well as using the credits guaranteed from public funds or which are to be reimbursed from the public funds, for other purposes.

**Art. 11** - (1) The offence of a person who has the obligation to supervise, to control, to reorganize or to liquidate a private economic agent, and carries out any task, mediates or facilitates for it the carrying on of certain commercial or financial operations or participates with capital to such economic agent, if the deed is of such nature as to bring him/her directly or indirectly undue advantages, then, it is an offence and it shall be punished with imprisonment from 1 to 5 years and the interdiction of certain rights. (2) If the offence stipulated in paragraph (1) has been committed within a period of 5 years from the cessation of the task, it shall be punished with imprisonment from 6 months to 3 years or a fine.

**Art. 12** - The following offence shall be punished with imprisonment from 1 to 5 years, if committed for the purpose of obtaining for himself/herself or for other person, money, goods or other undue advantages:

- a) performing financial operations as trade activities, incompatible with the position, duty or task which is carried out by a person or contracting financial transactions using the information obtained by virtue of the position, duty or task;
- b) using, in any way, directly or indirectly, the information that is not meant for publicity or allowing the access of unauthorized persons to this information.

**Art. 13** - The offence of the person who has a leadership position in a party or in a political formation, in a trade union or in an employer's organization or a foundation who uses his/her influence or authority for the purpose of obtaining for himself/herself or for somebody else money, goods or other undue advantages, shall be punished with imprisonment from 1 to 5 years.

**Art 13<sup>1\*</sup>** – Regarding the offence of blackmail provided by art. 207 of the Criminal Code, if it involves one of the persons provided by art. 1, the special limits of the punishments are increased by a third.

**Art 13<sup>2\*</sup>**) - Regarding the offences of abuse of office or usurping the position, if the civil servant obtained for himself/herself or for somebody else money, goods or other undue advantages, the special limits of the punishments are increased by a third..

**Art. 15** - The attempt to commit the offences provided by the present section shall be punished.

**Art. 16** - If the offences provided by the present section constitute more severe offences, according to the Criminal Code or to other special laws, these are punished under the terms and with the sanctions established by those laws.

### **C. Law 656/2002 on the prevention and sanctioning of money laundering and on setting up of certain measures for the prevention and combating terrorism financing**

**Art. 31**– (1) The non-observance of the obligations provided for in the Art. 25 represents an offence and it is punished with prison from 6 months to 3 years or with a fine, if the deed does not represent a more serious offence.

(2) If the deed provided in para (1) is intentionally committed, the punishment is from 3 months to 2 years or a fine.

[**Art. 25** - (1) The personnel of the Office must not disseminate the information received during the activity other than under the conditions of the law. This obligation is also valid after the cessation of the function within the Office, for a five-years period.

(2) The persons referred to in the Art. 10 and their employees must not transmit, except as provided by the law, the information related to money laundering and terrorism financing and, must not warn the customers about the notification sent to the Office.

(3) Using the received information in personal interest by the employees of the Office and of the persons provided for in the Art. 10, both during the activity and after ceasing it, is forbidden.

(4) The following deeds performed while exercising job attributions shall not be deemed as breaches of the obligation provided for in para (2):

a) providing information to competent authorities referred to in article 24 and providing information in the situations deliberately provided by the law;

b) providing information between credit and financial institutions from European Union's Member States or European Economic Area or from third states, that belong to the same group and apply customer due diligence and record keeping procedures equivalent with those provided for by the present Law and are supervised for their application in a manner similar with the one regulated by the present law;

c) providing information between persons referred to in article 10 (e) and (f), from European Union's Member States or European Economic Area, or from third states which impose equivalent requirements, similar to those provided for by the present Law, persons that carry on their professional activity within the framework of the same legal entity or the same structure in which the shareholders, management or compliance control are in common.

d) providing information between the persons referred to in article 10 (a), (b), (e) and (f), situated in European Union's Member States or European Economic Area, or from third states which impose equivalent requirements, similar to those provided for by the present Law, in the situations related to the same client and same transaction carried out through two or more of the above mentioned persons, provided that these persons are within the same professional category and are subject to equivalent requirements regarding professional secrecy and the protection of personal data;

(5) When the European Commission adopts a decision stating that a third state do not fulfill the requirements provided for by the para (4) (b) (c) and (d), the persons referred to in article 10 and their employees are obliged not to transmit to this state or to institutions or persons from this state, the information held related to money laundering and terrorism financing.

(6) It is not deemed as a breach of the obligations provided for in para 2, the deed of the persons referred to in article 10 (e) and (f) which, according with the provisions of their statute, tries to prevent a client from engaging in criminal activity.]

**D. Law 241/2005 regarding tax evasion ,art. 4, art. 8 and art. 9**