THE INCIDENCE OF THE PRINCIPLE OF PROPORTIONALITY IN THE CASE OF PRECAUTIONARY MEASURES ORDERED IN THE ROMANIAN CRIMINAL PROCESS

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Abstract

The object of the analyzed topic deals with the limits and incidence of the criterion of proportionality in taking, maintaining or terminating insurance measures, offering several procedural remedies. The purpose of the study is to determine some criteria of objectivity and predictability incident to the taking and maintaining of precautionary measures, in order to prevent the abuse of law and the blocking of the use of the patrimony of the person concerned, criteria offered in a set of guarantees of a procedural-criminal nature, the observance of which constitutes a result obligation for the judicial bodies issuing the measure. The author carries out an analysis of the legal content of the protective measures in Romanian criminal procedural law from the perspective of the principles of ensuring the preemption of substantive European law and ensuring European public order, fundamental principles in the European and national normative construction, seeing in this legal order a standard capable of guaranteeing the defense concrete and effective of the rights of the procedural participants, drawing objective boundaries between them, the purpose being to increase the confidence of litigants in the judicial act.

Keywords: *Precautionary measures, principle of proportionality, criminal process, European law, abuse of law.*

1. Introduction

The size and importance of precautionary measures at European level. As early as 1928, Professor H. Donnedieu De Vabres observed that ,,delinquency has no borders', which is why he argued that ,,the internationalization of crime must be opposed by the internationalization of repression'[1]. These conclusions represent a postulate, an objective law that highlights the need to adopt legal instruments, law and criminal procedure, capable of repressing the cross-border criminal phenomenon.

In the context of a Europe ,,without internal borders'[2] the reasoning of professor

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[1]Henry Donnedieu De Vabres, *Les princípes modernes du droit pénal international*, 1928, p. 302, author and work cited by Jean Pradel and Geert Corstens, in *Droit pénal européen*, 2nd edition, Dalloz Publishing House, Paris, 2002, pag. 39, ideas also taken over in our legal literature, see, Gheorghiță Mateuț, *Tratat de procedură penală - Partea generală*, vol. I, C.H. Beck Publishing House, Bucharest, 2007, p. 40.

[2]The concept of a Europe without internal borders, for the first time, received normative content in Title II, art. G 3, lit. c) in the European Union Treaty, signed in Maastricht on February 7, 1992, hereinafter referred to as TEU, published in the Official Journal of the European Community, C-191/5 of 29.07.1992. Later, on the occasion of the improvement and republishing of the T.U.E., this principle was repeated in art. 3 of the Treaty, specifying that 'the Union offers its citizens an area of freedom, security and justice, without internal borders, within which the

De Vabres seems to be more current than ever, the European legislative authority, the European Parliament and the Council, as well as the legislators of the member states, having the task of legislating at the Union level procedural instruments for the defense of the area of freedom, security and justice[3].

Given that criminality is often transnational in nature, European decision-makers have concluded that the seizure and confiscation of instruments and proceeds of crime is essential, being among the most effective methods of combating crime at the Union level, the activity representing an important objective in cross-border cooperation .

In achieving such an objective, the principle of mutual recognition of court judgments and judicial decisions represented the cornerstone in the construction of the new vision of judicial cooperation in criminal matters within the Union, aspects decided on the occasion of the Tampere European Council of October 15 and 16, 1999.

In the framework of the Stockholm Program - ,,An open and secure Europe serving and protecting citizens'[4] The Union is committed to ensuring more effective identification, confiscation and re-use of the proceeds of crime.

2. The Union normative framework regarding the unavailability and confiscation

In a first stage, the adopted Union normative framework, in the matter of mutual recognition of non-availability orders and confiscation orders, was represented by the Framework Decisions 2003/577/JAI[5]and Framework Decision 2006/783/JAI[6] of the Council.

Later, Directive 2014/42/EU, the European Parliament and the Council[7] was adopted, in the content of which the main instruments regulated by the aforementioned Framework Decisions were brought together, on which occasion it was reiterated that the existence of an effective system of non-disposal and confiscation at European Union level is intrinsically linked to the proper functioning of the mutual recognition of freezing orders and confiscation orders.

free movement of persons is ensured...', the European Union Treaty was republished in the Journal Official of the European Union, C-326/17 of 26.10.2012.

[3] We consider the provisions of art. 2 para. (2) within the framework of the Treaty on the functioning of the European Union (consolidated version), hereinafter cited T.F.U.E., published in the Official Journal of the European Union, C-202/47 of 16.06.2016, according to which, 'if the treaties attribute to the Union a competence shared with the member states in a determined field, the Union and the member states can legislate and adopt legally binding acts in this field', and in art. 4, para. (2), lit. j) of the T.F.U.E., it is stipulated that 'the powers shared between the Union and the member states are applied in the following main areas: letter j) the space of freedom, security and justice'. From the content of these provisions of European value, it follows, explicitly, both the cooperation of the authorities on a legislative level, in order to ensure the legal, procedural framework for European cooperation in criminal matters, as well as the effective and efficient procedural cooperation of the judicial authorities, at the Union level, in defense of guaranteed social values.

[4] The resolutions of the Stockholm Program, brought together under the motto 'An open and secure Europe at the service of citizens and for their protection', were published in the Official Journal of the EU, C-115 of 4.5.2010, p. 1.

[5] Framework-decision 2003/577/JAI of the Council of 22 July 2003 regarding the execution in the European Union of orders to freeze goods or evidence, published in the Official Journal of the EU, L-196 of 2.8.2003, p. 45.

[6] Council Framework Decision 2006/783/JAI of 6 October 2006 on the application of the principle of mutual recognition for confiscation orders, published in the Official Journal of the EU, L-328 of 24.11.2006, p. 59.

[7] Directive 2014/42/EU, European Parliament and Council of 3 April 2014 on the freezing and confiscation of instruments and proceeds of crimes committed in the European Union, published in the Official Journal of the EU, L-127/39 of 29.04.2014.

Unfortunately, the regime established by these normative acts was not fully effective, considering that neither the framework decisions nor Directive 2014/42/EU were transposed and applied uniformly in the member states, which led to an insufficient degree of mutual recognition and sub-optimal cross-border cooperation.

The new problems that have arisen, represented by the existence of a fragmented system in terms of the recognition and enforcement of judicial confiscation decisions, have led the Union to reposition judicial instruments within a single, comprehensive system of confiscation and confiscation of instruments and proceeds of crime.

3. The reconfiguration of the European normative framework and the establishment of its obligation for the EU member states

Following the analysis of the efficiency criteria[8], the unanimous conclusion was that, in order to effectively ensure the mutual recognition of freezing orders and confiscation orders, the rules on the recognition and execution of these orders should be laid down in a binding Union act of legally and directly applicable.

For these reasons, the EU Regulation was adopted. 2018/1805 of the European Parliament and of the Council of November 14, 2018 on the mutual recognition of orders of non-disposal and confiscation[9], its normative content having direct applicability in the internal law of the EU member states.

In the content of the introductory part, at para. 12, of this Regulation, the European legislator emphasized that ,,it is important to facilitate the mutual recognition and execution of orders of non-availability and confiscation orders by establishing rules that impose on a member state the obligation to recognize, without other formalities, the orders of non-disposal and confiscation orders issued by another Member State in criminal proceedings and to execute those orders on its territory'.

Also on this occasion, it was recalled that, at the level of Union law, ,,procedures in criminal matters' represent an autonomous notion of law, interpreted by the Court of Justice of the European Union despite the jurisprudence of the European Court of Human Rights, the recognition and execution of judicial decisions of non-disposal by the Union states, not being conditioned by the existence of a criminal conviction. It was emphasized that the notion of criminal proceedings includes all types of non-disposal orders and confiscation orders issued following proceedings initiated as a result of the commission of a crime, their scope cannot be limited only to the orders falling under the scope of Directive 2014/42 /E.U., respectively those issued on the basis of convictions.

Another new aspect regulated in the Regulation is given by the recognition and execution of the decisions of the non-disposal orders issued in the framework of some judicial investigation procedures, in reference to the investigative activities of the judicial bodies, regardless of whether the investigated crimes are serious or less

[8]In this sense, see the Commission Communication of April 28, 2015, entitled 'The European Agenda on Security' and the Commission Communication of February 2, 2016 on the Action Plan to strengthen the fight against terrorist financing, in which the Commission emphasized that 'in order to undermines the activities of organized crime that finance terrorism, it is imperative that those criminals be deprived of the proceeds of crime'.

[9] EU Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 on mutual recognition of freezing and confiscation orders, published in the Official Journal of the EU, L-303/1 of 28.11.2018.

serious, which which means a repositioning of the scope of the object of the non-disposal of assets, including both the assets obtained by committing crimes and those actually used/involved in the commission of such acts (criminal bodies)[10].

The new bases of the ,,judicial procedures in criminal matters', recognized at European level, in the content of which were also included the procedures issued/communicated unconditionally by the existence of a criminal conviction, determine the reconfirmation of the procedural guarantees that the persons concerned by the restrictive component on patrimonial rights, inherent effect of the measure of unavailability.

The standard of legality requires the issuing authority, when issuing a non-disposal order or a confiscation order, to ensure that the principles of necessity and proportionality are respected, i.e. to check whether between the level of intrusion into the private life of the person concerned, as well as relative to the level of restriction of real rights, on the patrimony of the one concerned, and the judicial/procedural purpose pursued by the establishment of such measures, there is a balance[11]. Also, the issuing authority must consider that the non-disposal or confiscation order is issued and transmitted to the enforcement authority in another member state only when such a restrictive measure of real rights could be issued and used in - an internal case.

In situations where the criminal procedural legislation of the issuing state also allows authorities other than the judicial ones to issue orders for the non-disposal of assets or order the measure of their confiscation, prior to their transmission to the enforcement authority, they must be validated by a judge, by the court or the prosecutor.

As part of the validation activity, in order to prevent arbitrariness and imbalance, the competent judicial authority must verify the aspects on the basis of which the conditions for the necessity and proportionality of issuing the order of non-disposal or the measure of confiscation have been found to have been met.

In situations where the confiscation was ordered by a final judgment of conviction, the issuing authority must specify in the confiscation order submitted to the enforcement authority whether the person concerned by the measure of confiscation and confiscation participated or not in the ongoing criminal process and, in the situations in which he did not participate, it must be specified and proven how exactly he was notified, notified about the existence of the process and its object.

After receiving the judicial confiscation decision issued on the basis of a conviction, the enforcement authority, if it finds that the person against whom the confiscation order was issued did not appear at the trial following which the confiscation order was issued, has the right not to recognize or not to execute confiscation orders. Also, the person subject to confiscation, who did not know about the

[10] In this sense, at para. 14 of the Regulation, it was shown that 'crimes requiring the issuing and mutual recognition of orders to freeze goods in the framework of the Union criminal proceedings should not be limited to particularly serious crimes with a cross-border dimension, since Article 82 of the Treaty on the operation of the European Union (T.F.E.U.) does not impose such a limitation in terms of measures to establish rules and procedures to ensure the mutual recognition of judgments in criminal matters'.

[11] At para. 21 of the Regulation, it was emphasized that 'the issuing authority should be responsible for assessing the necessity and proportionality of such an order in each case', which means that, in situations where the person targeted by the restriction and intrusion of the blocking order wishes to dispute the necessity and proportionality of the measure must be addressed to the competent authorities within the issuing state, which is responsible for complying with the issuing criteria.

existence of the procedures carried out by the issuing state completed with real insurance measures against his patrimony, must be ensured the exercise of an effective way of appeal, within which the person concerned can exercise his the right of defence. Such national rules at the level of the executing state are in accordance with both the provisions of the Charter and those of the European Convention, especially in relation to the provisions of the right to a fair trial[12].

Along the same lines, in those situations where the executing state finds that there are real and objective reasons regarding a clear violation of a relevant fundamental right belonging to the person concerned by the application of the preventive measure, a right mentioned in the Charter, the right of the authority to enforcement not to recognize or enforce the order in question. The fundamental rights that should be relevant in this respect are, in particular, the right to an effective remedy, the right to a fair trial and the right to defence.

When considering a request from the executing authority to limit the period during which the asset should be subject to freezing, the issuing authority should take into account all the circumstances of the case, in particular whether the continuation of the freezing order could cause undue harm to the State execution.

Before deciding not to recognize or enforce a freezing or confiscation order based on any reason for non-recognition or non-enforcement, the executing authority should consult with the issuing authority to obtain any additional information necessary.

Pronouncing the judgment on the recognition and enforcement of the freezing or confiscation order and the concrete execution of the freezing or confiscation should take place with the same speed and with the same degree of priority as in similar domestic cases.

Where a confiscation certificate relating to a confiscation order relating to a sum of money is transmitted to several executing States, the issuing State should aim to avoid the situation of confiscation of more assets than necessary, and the total amount obtained from the execution of the order would exceed the specified maximum value. To this end, the issuing authority should, inter alia, indicate in the confiscation certificate the value of the assets, if known, in each executing state, so that the executing authorities can take this into account, maintain the necessary contact and dialogue with the authorities of enforcement in respect of the goods to be seized and to immediately inform the relevant enforcement authority(ies) if it considers that there may be a risk that the enforcement may concern an amount greater than the maximum amount. Where appropriate, Eurojust could exercise a coordinating role within its sphere of competence to avoid excessive confiscation.

The issuing authority should inform the executing authority if the authority of the issuing State receives an amount of money paid in connection with the confiscation order, it being understood that the executing State should only be informed if the amount paid in connection with the order affects the outstanding amount to be forfeited under the order.

Following the execution of a freezing order, and following a decision to recognize and enforce a confiscation order, the enforcing authority should, as far as

[12] In this sense, see the Judgment of November 7, 2019 issued by the European Court of Human Rights, in the case of *Apostolovi* vs. *Bulgaria*, as well as the Judgment of March 3, 2020, delivered by the European Court of Human Rights, in the case of *Filkin* vs. *Portugal*, available at www.echr.coe.int.

possible, inform known affected persons of such enforcement or decision. To this end, the executing authority should make all reasonable efforts to identify the affected persons, to verify how they can be found and to inform them of the execution of the freezing order or of the recognition and enforcement decision of the confiscation order. In fulfilling this obligation, the executing authority could request assistance from the issuing authority, for example when the affected persons appear to reside in the issuing state.

The enforcement of a freezing order or a confiscation order should be governed by the law of the executing State and only the authorities of that State should be competent to decide on enforcement procedures.

4. The definition and scope of the concept of „precautionary measures' in the Romanian criminal procedure.

A part of the Romanian legal doctrine[13] defines the preventive measures as measures of real coercion, consisting in the unavailability of assets and income belonging to the suspect, the defendant, the civilly responsible party or other persons, while another part of our doctrine[14] defines the preventive measures from in view of their procedural character, they represent real procedural measures that have the effect of making available movable and immovable assets belonging to the suspect, the defendant, the civilly responsible party or that are in the possession or property of other persons for a specific purpose[15].

From our point of view, the real constraint, representing only the effect of a restriction with a real character, must be analyzed as a natural consequence of the measure, being subsequent, but the definition offered to the measure must highlight the reassurance character, i.e. the preventive purpose of the measure.

If the real coercion were regarded as the main attribute of the preventive measure, on the one hand, an error would be induced between the real prevention and the real punitive component, and on the other hand, a confusion would be created between the procedural preventive purpose (insurance) of the real measure and the effective patrimonial compensation of the civil party or the covering of court costs or the payment of the criminal fine, the latter relating to the termination of the criminal and/or civil action within the criminal process (highlighting the punitive nature).

Professor Siegfried Kahane, in defining precautionary measures[16], also starts from the objective/positivist aspect of the measure, i.e. the unavailability of the targeted assets through the establishment of the seizure, positioning the factual consequence prior to the method of legal realization.

[13] See Grigore Gr. Theodoru, Ioan-Paul Chiș, *Tratat de drept procesual penal*, 4th edition, Hamangiu Publishing House, Bucharest, 2020, p. 547; Anastasiu Crișu, *Drept procesual penal – Partea generală*, 4th edition, revised and updated, Hamangiu Publishing House, Bucharest, 2020, p. 578.

[14] Ion Neagu, Mircea Damaschin, *Tratat de procedură penală. Partea generală*, 4th edition, revised and added, Universul Juridic Publishing House, Bucharest, 2022, p. 748; Nicolae Volonciu, Andreea Simona Uzlău *et alii, Noul Cod de procedură penală - comentat*, Hamangiu Publishing House, Bucharest, 2014, p. 567.

[15] The purpose or finality of the precautionary measures consists in avoiding the concealment, destruction, alienation or subtilization (evasion) of immovable or movable assets from the effective foreclosure.

[16] We have in mind the definition of preventive measures expressed by prof. Siegfried Kahane in Title IV called 'Preventive measures and other procedural measures', in the content of the monumental work *Explicațiile teoretice ale Codului de procedură penală. Partea generală*, by Vintilă Dongoroz, Siegrfied Kahane, George Antoniu, Constantin Bulai, Nicoleta Iliescu, Rodica Stănoiu, Romanian Academy Publishing House, Bucharest, 1975, p. 337.

Unfortunately, the doctrinal definitions do not highlight two defining components of the measure, namely its temporary and preventive character and its proportionality.

From a technical-legal perspective, provided by art. 249 para. (1) of the Penal Code, the insurance measure can be defined as a form of real prevention, consisting in the temporary restriction of the exercise of one or some of the attributes of real rights[17], which has as its object immovable and movable assets, present and future , belonging to the suspect, the defendant, the civilly responsible party or in the property or possession of third parties[18], of a patrimonial value close to the damage caused and the criminal consequences generated, prevention materialized by the effective unavailability of the assets in order to prevent their concealment, destruction, alienation or theft from prosecution and enforcement.

Unfortunately, the doctrinal definitions do not highlight two defining components of the measure, namely its temporary and preventive character and its proportionality.

Even if we would be criticized that the definition provided would be more of an explanation of the precautionary measure, overcoming the synthetic form of its main features, we still believe that the temporality and proportionality of the real measure belong to its essence, requiring the emphasis to take place even within definition.

Although in para. (2) of art. 249 of C. pr. pen.[19] only seizure is provided as a form of exercise of non-disposal in the framework of preventive measures, however, as, justly, it has been observed in the criminal procedural legal doctrine[20], from the set of criminal procedural regulations, there are 3 ways of exercising preventive measures, respectively: the sequestration itself, the mortgage notation in the land register and the insurance attachment.

Although we are in the framework of an injunctive measure that has a limiting purpose and is well known from the moment of its disposition, however, nowhere does our legislator include proportionality among the criteria that must be taken into account at the time of ordering the injunctive measure, as well as during its development, although , as I stated above, the Union legislation requires the member states to regulate and respect in domestic law the proportion in terms of the quantitative extent of the unavailability in order to prevent arbitrariness and abuse by the authorities.

The criterion of proportionality concerns the balance between the value of the damage caused, the criminal consequences of a criminal sanction and the amount of assets made available from a person's patrimony.

For example, it would be disproportionate to seize by seizing the

[17] Restrictive form of rights that, as a rule, concerns the component of the abusus disposition and, in some situations, also applies to *the usus* and *fructus* components.

[18] Considering the principle of legality of the criminal process, regulated in art. 2 of C. pr. pen., seeing the intrusive nature of the precautionary measure, in order to prevent any abuses, we believe that the procedural subjects or the parties targeted by real measures restricting rights should be explicitly determined/indicated by the legislator.

[19] The reference is to the Criminal Procedure Code in force, adopted on the basis of Law no. 135/2010 regarding the Criminal Procedure Code, published in the Official Gazette of Romania, Part I, no. 486 of July 15, 2010, entered into force on February 1, 2014, according to art. 103 of Law no. 255/2013 for the implementation of Law no. 135/2010 regarding the Code of Criminal Procedure and for the completion and modification of some normative acts that include criminal procedural provisions, published in the Official Gazette of Romania, Part I, no. 515 of August 14, 2013.

[20] See, I. Neagu, M. Damaschin, *op. cit.*, p. 749.

entire patrimony of a commercial company worth over one million euros in order to ensure the payment of a possible fine that cannot exceed the amount of 10,000 euros, or the seizure of a 200,000 euro villa belonging to the spouses for ensuring a future confiscation of 70 euros that could be ordered against one of the spouses.

The ratio between the value of the damage and criminal costs/sanctions, on the one hand, and the value of the assets made available is only one of the forms of establishing proportionality.

In addition to this criterion, in determining the proportionality of the measure, other criteria whose objectivity is obvious must be taken into account, such as:

a) the exercise or not of the civil action within the criminal proceedings;

b) solidarity or individuality of civil liability;

c) the patrimonial guarantees offered/made available to the judicial bodies by the person(s) targeted by the measure in the form of a bond;

d) voluntary compensation and/or reconciliation between the parties;

The criterion of proportionality must be verified throughout the maintenance of the precautionary measure and in cases where there are reasons for reducing the extent of the measure or terminating the measure, the legislator should grant the judicial body the right to order, ex officio, its removal.

5. Conclusions and Ferenda law proposals

Preventive measures, represent a way of prevention with a real character, which can only be taken within the framework of the criminal process, having a well-established purpose and being available for a determined period.

Considering the intrusive and restrictive character of real rights that is the object of the precautionary measures, we believe that it is necessary to rethink the procedural institution of the preventive seizure and introduce some objective criteria into the content of the regulatory legal provisions, based on which the proportionality test of the measure should be carried out , both at the time of disposition and during its existence.

In this sense, by law ferenda, we propose the introduction in the content of art. 249 of C. pr. pen of some objective criteria, able to ensure compliance with proportionality, as well as the regulation of some mechanisms for verifying this criterion during the course of the measure. It would also be necessary to specify the temporary nature of the measure in the legal content of the criminal procedure texts.

References

- European Union Treaty, signed in Maastricht on February 7, 1992.
- The resolutions of the Stockholm Program, brought together under the motto „An open and secure Europe at the service of citizens and for their protection', were published in the Official Journal of the EU, C-115 of 4.5.2010, p. 1.
- Framework-decision 2003/577/JAI of the Council of 22 July 2003 regarding the execution in the European Union of orders to freeze goods or evidence, published in the Official Journal of the EU, L-196 of 2.8.2003, p. 45.
- Council Framework Decision 2006/783/JAI of 6 October 2006 on the application of the principle of mutual recognition for confiscation orders, published in the Official Journal of the EU, L-328 of 24.11.2006, p. 59.

- Directive 2014/42/EU, European Parliament and Council of 3 April 2014 on the freezing and confiscation of instruments and proceeds of crimes committed in the European Union, published in the Official Journal of the EU, L-127/39 of 29.04.2014.
- Commission Communication of April 28, 2015, entitled „The European Agenda on Security' and the Commission Communication of February 2, 2016 on the Action Plan to strengthen the fight against terrorist financing.
- EU Regulation 2018/1805 of the European Parliament and of the Council of 14 November 2018 on mutual recognition of freezing and confiscation orders, published in the Official Journal of the EU, L-303/1 of 28.11.2018.
- Judgment of November 7, 2019 issued by the European Court of Human Rights, in the case of Apostolovi vs. Bulgaria, as well as the Judgment of March 3, 2020.
- The European Court of Human Rights, in the case of Filkin vs. Portugal, available at www.echr.coe.int.
- Criminal Procedure Code, adopted on the basis of Law no. 135/2010 regarding the Criminal Procedure Code, published in the Official Gazette of Romania, Part I, no. 486 of July 15, 2010, entered into force on February 1, 2014.
- Crișu, Anastasiu, *Drept procesual penal. Partea generală*, 4th edition, revised and updated, Hamangiu Publishing House, Bucharest, 2020.
- Dongoroz, Vintilă, Kahane, Siegfried, Antoniu, George, Bulai, Constantin, Iliescu, Nicoleta , Stănoiu, Rodica, *Explicații teoretice ale Codului de procedură penală – Partea generală,* Romanian Academy Publishing House, Bucharest, 1975.
- Donnedieu De Vabres, Henry, *Les princípes modernes du droit pénal international*, 1928.
- Mateuț, Gheorghiță, *Tratat de procedură penală - Partea generală*, vol. I, C.H. Beck Publishing House, Bucharest, 2007.
- Neagu, Ion, Damaschin, Mircea, *Tratat de procedură penală. Partea generală*, 4th edition, revised and added, Universul Juridic Publishing House, Bucharest, 2022.
- Pradel, Jean and Geert Corstens, *Droit pénal européen*, ed. 2, Dalloz Publishing House, Paris, 2002.
- Theodoru, Grigore Gr. and Chiș, Ioan-Paul, *Tratat de drept procesual penal*, 4th edition, Hamangiu Publishing House, Bucharest, 2020.
- Volonciu, Nicolae, Uzlău Andreea Simona *et alii*, *Noul Cod de procedură penală - comentat*, Hamangiu Publishing House, Bucharest, 2014.