

CMS România: Romanian High Court rules on DNA's jurisdiction to investigate abuse of office crimes

On 15 November 2021, the Romanian High Court of Cassation and Justice (HCCJ) issued Decision no. 26/2021, ruling that the National Anticorruption Directorate (DNA) does not have jurisdiction to investigate crimes of abuse of office when (i) perpetrated by an individual who does not hold the special capacity provided by art. 13 par. (1) letter b) from Government Emergency Ordinance no. 43/2002 (such would be the case of a government member) and (ii) the material damage is EUR 200,000 or less.

The HCCJ also established that the EUR 10,000 threshold triggering DNA's jurisdiction for corruption crimes, irrespective of the perpetrator's capacity, does not apply to crimes of abuse of office.

This decision came after the General Prosecutor of Romania requested HCCJ to establish whether the investigations into crimes of abuse of office fall under the jurisdiction of the DNA or of the ordinary prosecutors' offices in case the damage does not exceed EUR 200,000 and no person holds the special capacity provided by the law.

The HCCJ's decision puts an end to controversies regarding DNA's jurisdiction to investigate almost any crimes of abuse of office. The decision is binding for the courts once published in the Official Gazette.

For more information on this ruling and general advice on criminal defence in Romania, contact your CMS client partner or local CMS experts **Mihai Jiganie-Serban** and **Cosmin Cretu**.