

Any evidence can be used for the purpose of reconstitution.

The result of the reconstitution is notified, according to the case, by the ordinance of the criminal investigation ordinance confirmed by the prosecutor or through the decision given to the court with summon for the parties.

The reconstitution decision is object of the appeal, and the decision pronounced by the court of appeal is object of the recourse.

CHAPTER VI

JUDICIAL INTERNATIONAL ASSISTANCE

Section I

General Provisions

Art. 513. The terms of accomplishing judicial international assistance in criminal matters are those provided in the present chapter, except the case in which the law provides other wise, by conventions or in lack of conventions, or on the basis of reciprocity.

Section II

The rogatory commission

Art. 514. When it considers it necessary, the criminal investigation body or the court performs a procedural action abroad by addressing through the rogatory commission to the criminal investigation body and courts abroad, which are able to perform that action.

The provisions in article 134 are applicable.

Art. 515. The rogatory commission is submitted, according to the case, to the general prosecutor or to the minister of justice, who at their turn address the Ministry of External Affairs for the transmission of the rogatory commission.

Art. 516. The procedural action performed abroad, in accordance with the law of the respective country, is valid before Romanian judicial bodies.

Art. 517. The criminal investigation body or the court can perform rogatory commissions requested by criminal investigation bodies and courts abroad.

The request for rogatory commission is submitted to the Ministry of External Affairs, and according to the case, to the general prosecutor or to the minister of justice, who notifies the competent criminal investigation body or court.

Art. 518. The request for rogatory commission addressed to a foreign authority, as well as the written documents enclosed, must be translated and legalized according to the rules regarding official written documents which are about to be presented to foreign authorities.

Section III

Recognition of penal decisions or any foreign judicial documents

Art. 519. Final penal decisions pronounced by foreign courts as well as the documents drafted by judicial criminal bodies abroad, can be recognized if they can produce, in accordance with the Romanian criminal law, legal penal effects.

The recognition can be performed fortuitously, during a penal trial on going, by the prosecutor during the investigation or by the court where the cause is judged.

The recognition of penal decisions pronounced by foreign courts or of other foreign judicial actions can be done also by direct means, namely by the court notified for this purpose.

Art. 520. The recognition of foreign decisions or judicial actions takes place only under the following circumstances:

- a) the decision was pronounced by a competent court or the action is issued by a competent legal body;
- b) the decision or the action does not violate the rule of law in Romania;
- c) the decision of the judicial action can produce legal effects in Romania, in accordance with the Romanian criminal law.

The accomplishment of the term provided at letter a) is notified on the basis of the certification of the competent authority of the foreign state.

Art. 521. The recognition by direct way of court decision and foreign judicial actions is done at the notification made by the prosecutor, by the court under whose territorial jurisdiction the convict is located.

The convict is summoned, and at the same time he is communicated with the foreign decision enclosed with the documents, translated in Romanian.

The court, hearing the prosecutor's conclusions and the convict's statements, if finds that legal terms are accomplished, recognizes the foreign penal decision and foreign judicial documents, and if the penalty pronounced by that decision was only partially executed, it replaces the non-executed penalty or the rest of the penalty with a corresponding penalty in accordance with the Romanian criminal law.

Art. 522. The enforcement of civil provisions in a foreign criminal court decision is performed in accordance with the rules provided for foreign civil decisions' execution.

FINAL PROVISIONS

Art. 523. The terms or phrases whose meaning are specifically explained in the Criminal Code have the same meaning in the Criminal Procedure Law.

Art. 524. The present Code comes into enactment on January 1, 1969.