

## ROMANIA

### International cooperation

Given the transnational and volatile nature of electronic evidence, **expeditious mutual legal assistance** is one of the most important conditions for effective measures against cybercrime and other offences involving electronic evidence.

States often do not properly implement the existing instruments and thus appear not to make full use of the opportunities offered by such treaties.

Chapter III on international cooperation of the Budapest Convention on Cybercrime does not supersede other bi- or multi-lateral agreements for international cooperation that a state has entered into, **but encourages the use of such agreements and arrangements for cooperation on cybercrime and electronic evidence.**

Romania's first recommendation is to:

- Make use of existing instruments such as the Budapest Convention on Cybercrime or the UN Convention on Transnational Organised Crime **as frameworks for effective international cooperation.**

[A recent survey on the global state of cybercrime legislation](#) conducted by the Council of Europe showed that by February 2020:

- some 177 States (92%) worldwide had reforms of their legislation underway or undertaken in recent years;
- not only Parties have drawn on the Budapest Convention when reforming their legislation, but some 153 (79%) members of the United Nations had used it as a guideline or as a source for their reforms;

Romania has been contributing for many years to the efforts of international community to assist states worldwide in this process.

Therefore, a very important recommendations in our opinion is to:

- Welcome reforms undertaken by many governments worldwide regarding domestic legislation on cybercrime and electronic evidence in line with international standards, in particular the Budapest Convention.
- Other states should follow their example as soon as possible and international organizations and donors should support this process.

States follow different approaches for considering requests as “urgent”. A significant number of states treat a request as urgent if there is a risk of loss or modification of data. In such cases, use is made of 24/7 points of contact, liaison officers, judicial networks or police-to-police cooperation.

Considering the benefits of networks of practitioners, including 24/7 networks under the Budapest Convention and the G7 for investigations, Romania’s third recommendation is:

- States should work towards strengthening the role of such points of contact and make use of them to ensure the provision of immediate assistance for the purpose of investigations or proceedings concerning criminal offences related to computer systems and data, or for the collection of evidence in electronic form of a criminal offence.