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INTERNATIONAL JUDICIAL COOPERATION IN THE APPLICATION OF LAW NO. 143/2000 ON THE PREVENTION AND COMBATING OF ILLICIT DRUG TRAFFICKING AND CONSUMPTION

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Abstract

International judicial cooperation plays an important role in the enforcement of Law No. 143/2000 on the prevention and combating of illicit drug trafficking and consumption, in particular the modern legal instruments used in the European and international context. The main cooperation mechanisms are presented—extradition, the European arrest warrant, letters rogatory, the European investigation order, and mutual recognition of confiscation orders—and the importance of police cooperation and information exchange through Europol, Interpol, and SELEC is highlighted. Thus, current challenges related to legislative differences, data protection, and the complexity of evidence in transnational cases can hinder cooperation. Future trends, such as the digitization of cooperation procedures, the possible extension of the competence of the European Public Prosecutor's Office (EPPO), and the reorientation of criminal policy towards alternative measures and public health policies, are solutions to ensure a faster, more effective, and balanced response to drug trafficking.

Key words: *international judicial cooperation, drug trafficking, European arrest warrant, European investigation order, confiscation of assets.*

INTRODUCTION

Drug trafficking is one of the most profitable and widespread forms of organized crime, with a major impact on public safety, public health, and the global economy.

Criminal organizations involved in drug production and distribution operate transnationally, using complex transport routes, money laundering networks, and diversified distribution channels, including online platforms and encrypted networks on the dark web.

According to reports by the United Nations Office on Drugs and Crime (UNODC), the global drug market is constantly expanding, particularly with regard to synthetic drugs and new psychoactive substances, which can be produced at low cost and distributed rapidly across multiple continents. This reality transforms the phenomenon into a transnational challenge that cannot be effectively addressed solely through a state's domestic legal mechanisms.

In Romania, Law No. 143/2000 constitutes the fundamental regulatory framework for preventing and combating illicit drug trafficking and consumption. However, given that most trafficking offences involve foreign elements (import, export, transit, transfer of money abroad), it is clear that international judicial cooperation is essential.

This involves not only the exchange of operational information between authorities, but also the use of the European arrest warrant and extradition, the establishment of joint investigation teams in cross-border cases, the mutual recognition and enforcement of confiscation orders and precautionary measures, and the coordination of actions with European agencies (Europol, Eurojust) and international bodies (Interpol, UNODC).

Without these tools, the effectiveness of criminal investigations and prosecutions would be severely compromised, and criminal groups could exploit differences between national systems to avoid accountability.

I. INTERNATIONAL AND DOMESTIC REGULATORY FRAMEWORK

I.1. DOMESTIC REGULATIONS

Law No. 143/2000 contains provisions which, although brief, establish the framework for cooperation between Romanian authorities and international institutions and organizations, such as:

- Articles 16-17 on the confiscation and disposal of assets derived from drug trafficking allow for cooperation with other states to identify, freeze, and confiscate assets located abroad.

- The provisions of Articles 21-22 on prevention and assistance programs emphasize the need for cooperation with international organizations and NGOs in order to implement joint programs, exchange best practices, and harmonize public health policies.

Although the law does not expressly refer to the application of legislation on international judicial cooperation in criminal matters, the provisions of Law No. 302/2004 on international judicial cooperation in criminal matters are applicable when the offences provided for have foreign elements.

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Thus, Law No. 143/2000 is part of a broader regulatory system, leaving the detailed procedural aspects to other legislative acts.

International cooperation in criminal matters is governed mainly by the Code of Criminal Procedure and Law No. 302/2004 on international judicial cooperation.

Thus, the main procedural instruments in the field of international judicial cooperation are:

- *Passive extradition* – regulated by Art. 18 et seq. of Law No. 302/2004, allows for the surrender of offenders from Romania, in accordance with the principle of double criminality.

- *Active extradition* – regulated by Art. 61 et seq. of Law No. 302/2004, which allows the surrender of persons at the request of the Romanian judicial authorities.

- *European arrest warrant* – Articles 84 et seq. of Law No. 302/2004 – a simplified mechanism for surrender between EU Member States, with short deadlines and a less formal procedure.

- *International letters rogatory*, Art. 230 et seq. of Law No. 302/2004 – used for the administration of evidence abroad (hearing of witnesses, searches, seizure of objects), in compliance with the legislation of the requested state.

- Recognition of foreign criminal judgments, Art. 145 et seq. of Law No. 302/2004 – for the enforcement of custodial sentences or security measures in Romania, and for the confiscation of proceeds of crime.

These instruments ensure the uniform application of Law No. 143/2000 when crimes cross national borders.

I.2. INTERNATIONAL REGULATIONS

In order to harmonize national legislation and facilitate cross-border cooperation, the following have been adopted at international level:

- *The 1988 Vienna Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, which is the main global legal instrument for combating drug trafficking. It establishes a common framework for action for the States Parties, with clear obligations in several areas, such as *the criminalization of drug trafficking* – requiring States to criminalize the illicit production, supply, distribution, import, and export of drugs; *judicial cooperation* – regulates extradition and mutual legal assistance between states, including for the exchange of evidence and the enforcement of criminal judgments; *control of precursors* – provides for measures to monitor chemicals used in the manufacture of drugs, as well as *confiscation of the proceeds of crime* – requires states to adopt mechanisms for identifying, seizing, and confiscating property obtained from drug trafficking.

- *The UN Convention against Transnational Organized Crime*, also known as the "Palermo Convention", which expanded the fight against organized crime globally, including drug trafficking. This convention provides for the definition of organized crime groups and the obligation of states to criminalize participation in them; modern investigative mechanisms, such as controlled delivery, undercover investigations, electronic surveillance, and police cooperation; extended legal assistance—exchange of information, letters rogatory, transfer of criminal proceedings, and recognition of judgments; protection of witnesses and collaborators—establishment of effective measures for their safety.

Both conventions have been ratified by Romania and, according to the Constitution (Articles 11 and 20), form part of domestic law, taking precedence over any conflicting legal provisions. They supplement Law No. 143/2000 and Law No. 302/2004 on international judicial cooperation, providing a solid legal basis for combating drug trafficking and organized crime.

I.3. EUROPEAN UNION INSTRUMENTS

At the European Union level, there has also been ongoing concern with developing a regulatory framework to facilitate judicial cooperation in criminal matters, and in this regard we can mention the Framework Decision of the Council of the European Union of June 13, 2002, on the European arrest warrant and surrender procedures between Member States.

This Framework Decision introduces the European Arrest Warrant (EAW), which replaced traditional extradition procedures between EU Member States, with the aim of simplifying and speeding up the surrender of persons who are wanted for criminal prosecution or convicted, in a spirit of mutual trust between judicial systems.

The European Arrest Warrant is a judicial decision issued by one Member State for the arrest and surrender of a person by another Member State for the purposes of criminal prosecution or the execution of a sentence. It applies both to persons accused of committing a crime and to those who have been finally convicted. Among the 32 serious crimes for which surrender is possible without double criminality, if the minimum sentence is at least three years, is drug trafficking.

The Framework Decision was an essential step towards the European area of freedom, security, and justice by strengthening judicial cooperation, speeding up procedures, and increasing the effectiveness of the fight against cross-border crime.

Another legal instrument applicable in drug trafficking cases is Directive 2014/41/EU of the European Parliament and of the Council, known as the Directive on the European Investigation Order in criminal matters, adopted to strengthen judicial cooperation between Member States in the administration of evidence. It introduces a single instrument—the European Investigation Order—

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through which a judicial authority in one Member State can directly and quickly request the collection or transmission of evidence from another Member State. Unlike the old rogatory commission mechanisms, the new system is simpler, based on mutual recognition and clear deadlines for execution.

The Directive covers a wide range of evidentiary measures, including obtaining documents and electronic data, conducting searches, hearing witnesses and experts by videoconference, and intercepting communications. Its purpose is to facilitate cross-border criminal investigations by reducing delays and excessive formalism. The European Investigation Order thus contributes to making criminal proceedings more efficient and protecting the right to a fair trial, while ensuring that the fundamental rights of the persons concerned are respected.

Regulation (EU) 2018/1805 of the European Parliament and of the Council of November 14, 2018, enshrines the principle of mutual recognition in the area of freezing and confiscation of proceeds of crime. Through this legislative act, the European Union aims to ensure a uniform and effective framework whereby freezing and confiscation orders issued in one Member State are recognized and enforced quickly in other Member States without excessive formalities.

The regulation covers both freezing measures—where assets are frozen to prevent their disposal—and confiscation measures, including extended confiscation and third-party confiscation. It applies regardless of the nature of the property, whether it is movable, immovable, money, or digital assets, thereby strengthening the fight against organized crime and serious crime that generates significant profits.

By introducing clear deadlines for recognition and enforcement, as well as reducing the grounds for refusal, Regulation 2018/1805 contributes to increasing the efficiency of judicial cooperation in criminal matters and protecting the financial interests of the European Union, deterring criminal activities by depriving perpetrators of the benefits they have obtained.

At European Union level, the European Union Drugs Strategy for 2021-2025 has also been adopted, which constitutes the political reference framework for all actions of the Union and Member States in the field of drugs, providing a unified and integrated vision of this complex phenomenon. The document aims to protect public health and social well-being, strengthen citizens' security, and ensure respect for fundamental rights, promoting an approach based on scientific evidence and the principles of subsidiarity and proportionality. The strategy is designed as a coordination tool between the national, European, and international levels, complementing Member States' policies and supporting a common and coherent response to developments in the drug markets.

The document proposes a strategic architecture structured around three major areas: reducing the supply of drugs, reducing the demand for drugs, and mitigating the negative consequences associated with consumption. In terms of

reducing supply, the focus is on dismantling organized crime groups, disrupting illegal markets, seizing the proceeds of crime, and strengthening border controls, including through cross-border cooperation and the use of operational data. In terms of reducing demand, the Strategy promotes prevention, early intervention, access to treatment and rehabilitation, social reintegration of addicts, and programs tailored to vulnerable groups. The negative consequences component aims to reduce health risks, prevent overdoses, combat the spread of communicable diseases, and ensure adequate services in prisons and after release.

In addition to these areas of intervention, the Strategy integrates three cross-cutting themes – international cooperation, research and innovation, and governance and implementation – recognizing that the drug phenomenon is global and requires a coordinated response, adapted to new threats and supported by a solid evidence base. The document also reaffirms the EU's commitment to the UN conventions on drug control, the 2019 Ministerial Declaration, and the 2030 Agenda for Sustainable Development, emphasizing the human rights and public health dimensions of drug policies.

Overall, the EU Drugs Strategy 2021-2025 proposed an integrated, balanced, and forward-looking approach aimed at increasing the resilience of European societies, reducing the impact of organized crime, and ensuring the protection of human health and dignity.

II. FORMS OF JUDICIAL COOPERATION IN THE FIELD OF DRUG TRAFFICKING

Combating drug trafficking requires the use of a complex set of legal mechanisms that enable the identification, prosecution, and punishment of perpetrators, regardless of their location or the location of evidence and proceeds of crime. As an EU member state and a party to the main international conventions, Romania has modern cooperation tools at its disposal, but their practical application sometimes poses difficulties.

II.1 EXTRADITION AND SURRENDER

Extradition is the classic instrument by which one state hands over a person who is being prosecuted or convicted to another country. In Romania, the procedure is regulated by Law No. 302/2004 and involves verifying the principle of double criminality (the act must be a crime in both countries) and compliance with human rights guarantees (extradition is not granted if there is a risk of inhuman treatment, torture, or unfair trial).

A faster procedure is surrender under the European Arrest Warrant (EAW), used between EU Member States, which eliminates the formalities of traditional extradition, with strict deadlines, surrender taking place within 10 days of the date of the final surrender decision or 10 days if the person consents to surrender. The European Arrest Warrant applies directly to the offences listed in the Framework Decision, which includes drug trafficking.

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In judicial practice, there may be justified refusals due to poor prison conditions in the requesting state, and the case law of the ECHR and the CJEU has imposed additional assessments, as well as difficulties regarding the cumulative enforcement of sentences when the person is tried in several states.

II.2 INTERNATIONAL LEGAL ASSISTANCE

International legal assistance refers to the set of mechanisms through which states cooperate to investigate and punish drug trafficking offences that transcend the borders of a single state. Given the transnational nature of organized crime networks involved in the production, transport, and distribution of drugs, judicial cooperation is essential for the effective administration of justice and for ensuring a rapid response to common threats. This includes all necessary forms of procedural support – from obtaining evidence and locating suspects to confiscating the proceeds of crime and surrendering wanted persons.

The classic tool used remains the international letter of request, whereby judicial authorities request procedural acts to be carried out on the territory of another state, such as hearing witnesses, seizing objects or documents, conducting searches or expert examinations. In drug trafficking cases, these commissions are frequently used to identify transport routes, document financial transactions used for money laundering, and establish links between members of transnational networks. However, the formalistic nature of this procedure can cause significant delays affecting the speed of the investigation and sometimes allowing suspects to cover their tracks or transfer their assets.

Within the European Union, these limitations have been overcome by the introduction of the European Investigation Order, which allows requests for evidence to be sent directly between judicial authorities, without the involvement of ministries of justice as intermediaries. In drug trafficking cases, this tool has proven extremely useful for quickly obtaining data on bank transactions, intercepting communications, accessing electronic data, or conducting coordinated searches in several countries simultaneously.

Another important innovation is videoconferencing, which is increasingly used in cross-border drug trafficking cases. This method facilitates the hearing of witnesses, collaborators, or experts from other countries, protecting their identity and physical integrity when they may be at risk of reprisals from criminal networks. In addition, it helps to reduce costs and speed up judicial proceedings.

However, judicial cooperation in drug trafficking cases faces significant challenges. Differences between legal systems can affect the admissibility of evidence, particularly when it has been obtained through special investigative techniques such as controlled deliveries, undercover investigations, or cross-border interceptions. Delayed responses to requests for assistance can also jeopardize investigations, and the need for certified translations of large volumes

of documents and mutual recognition of laboratory expertise (particularly with regard to new psychoactive substances) can generate additional costs and delays.

In this context, improving the efficiency of international legal assistance remains a priority in the fight against drug trafficking, requiring the ongoing adaptation of existing mechanisms, deeper legislative harmonization, and the digitization of data exchange between authorities. Only through rapid, secure, and mutually trusting judicial cooperation can the complex phenomenon of cross-border drug trafficking be adequately addressed and the objectives of criminal justice at European and international level be achieved.

II.3 MUTUAL RECOGNITION OF JUDGMENTS – CONFISCATION OF PROCEEDS FROM DRUG TRAFFICKING

Mutual recognition of court decisions, particularly in relation to the confiscation of assets derived from drug trafficking, is a fundamental pillar of European criminal policy. The recovery of the proceeds of crime is not only a means of punishing perpetrators, but also a tool for deterring organized crime by depriving networks of the financial resources that enable them to continue their activities.

Romania applies Regulation (EU) 2018/1805 on the mutual recognition of freezing and confiscation orders, which has standardized the procedure for seizure and confiscation at European Union level. Through this instrument, orders issued by Romanian judicial authorities can be enforced quickly in other Member States, ensuring that assets are frozen and recovered, regardless of their location. In addition, national legislation provides for extended confiscation (Article 112¹ of the Criminal Code), applicable to drug trafficking offences, which allows the court to confiscate other assets whose value cannot be legally justified when there is a clear disproportion between the acquired wealth and lawful income.

However, the practical application of these mechanisms raises a number of difficulties. Identifying assets in other jurisdictions requires rapid operational cooperation between the competent authorities and effective access to property registers, bank accounts, and tax databases. Parallel proceedings in several countries can lead to conflicts of jurisdiction regarding the enforcement of confiscation orders and the distribution of recovered assets. Furthermore, the valuation of assets—particularly those with fluctuating values, such as cryptocurrencies, stocks, or works of art—and the distribution of proceeds among states remain sensitive issues that require clear rules and consistent judicial cooperation.

Mutual recognition of confiscation orders is therefore an indispensable tool in the fight against drug trafficking, but its effectiveness depends on the ability of Member States to cooperate in real time, ensure the traceability of assets, and harmonize enforcement procedures in order to achieve the common goal of depriving criminals of the economic benefits of their illegal activities.

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II.4 POLICE COOPERATION AND INFORMATION EXCHANGE

Police cooperation and information exchange are the backbone of the operational fight against drug trafficking, complementing judicial mechanisms and ensuring the rapid detection of transnational networks. In a field characterized by high mobility and the adaptability of criminal networks, the efficient flow of information between law enforcement authorities is essential for locating drug shipments, identifying trafficking routes, and dismantling the groups involved.

Information exchange is carried out through a number of specialized platforms, such as Europol (The European Union Agency for Law Enforcement Cooperation), which provides operational and strategic analysis, supporting joint investigations, and Interpol (International Criminal Police Organization), which facilitates global cooperation. At the regional level, mechanisms such as SELEC (South East European Law Enforcement Center) play an important role in coordinating operations in the Balkans, recognized as one of the main trafficking routes. At the same time, the use of common IT systems, such as the Schengen Information System (SIS) and the Europol Information System, allows for the real-time exchange of data on suspects, vehicles used, and operational alerts.

However, this exchange of data raises significant challenges in terms of the protection of privacy and personal data. Regulation (EU) 2016/679 (GDPR) and Directive (EU) 2016/680 on data protection in criminal matters impose strict obligations on the collection, storage, and use of information, and authorities must strike a balance between the operational need for access to data and respect for fundamental rights. Differences between Member States in terms of data retention periods, access conditions, or security standards can hamper cooperation and lead to procedural bottlenecks. In addition, the risk of information leaks or misuse of data for purposes other than investigation is a constant threat, with the potential to compromise ongoing operations and trust between authorities.

European agencies play a key role in this mechanism. Europol provides the framework for secure information exchange and produces analytical reports on trends in drug trafficking, facilitating joint operations. Eurojust supports the establishment and coordination of Joint Investigation Teams (JITs), which are essential in complex cases involving multiple jurisdictions, and intervenes to resolve conflicts of jurisdiction. The European Union Drugs Agency (EUDA, formerly EMCDDA) also collects and analyzes data on drug use, new psychoactive substances, and the European drug market, providing evidence-based information that informs public policy and law enforcement priorities.

Thus, transnational police cooperation, supported by European IT infrastructure and specialized agencies, remains a key element in dismantling drug trafficking networks. The current challenge is to ensure the rapid and efficient exchange of data while respecting high standards of personal data protection and maintaining trust between Member States.

II.5 GOOD PRACTICES IN COMBATING INTERNATIONAL DRUG TRAFFICKING

Combating international drug trafficking requires a coordinated, multidimensional, and sustainable approach that combines legal instruments, operational cooperation, technological innovation, and civil society involvement. Recent international experience has highlighted a number of good practices that can be considered models of efficiency in preventing, investigating, and dismantling organized crime networks involved in this phenomenon.

Among the most relevant good practices are: the use of Joint Investigation Teams (JITs), strict control of chemical precursors, the integration of financial investigations into criminal investigations, public-private cooperation, the use of artificial intelligence-based technologies, and the continuous training of law enforcement personnel.

The establishment of Joint Investigation Teams (JITs), provided for by the European Convention on Mutual Assistance in Criminal Matters (2000) and Framework Decision 2002/465/JHA, is one of the most effective forms of cross-border cooperation. This mechanism allows investigations to be conducted simultaneously in several countries, the rapid exchange of information, and the gathering of evidence without the need for constant letters rogatory. Successful examples, such as Operation Icebreaker (2019–2021), coordinated by Europol and Eurojust, demonstrate the effectiveness of JITs in dismantling global drug trafficking and money laundering networks.

Another good practice is the strict monitoring of chemical precursors used in drug manufacturing, in accordance with the 1988 UN Convention and European Union regulations. Programs such as the INCB's Project Prism have established global systems for monitoring trade flows and providing early warning of suspicious shipments, while also involving the private chemical industry in the process of preventing the diversion of legal substances to illicit production.

Integrated financial investigations in trafficking cases – according to the "follow the money" principle – are another essential practice. Collaboration between financial intelligence units (FIUs), banking institutions, and tax authorities has led to the identification and widespread confiscation of assets derived from trafficking activities, strengthening the asset recovery component.

At the same time, the involvement of the private sector – transport, logistics and courier companies, financial institutions and online platforms – has become an increasingly important dimension of cooperation. Programs such as the Global Container Control Program (UNODC–WCO) have demonstrated the effectiveness of collaboration between customs authorities and port operators in intercepting illicit shipments. In the digital environment, partnerships with payment service providers and e-commerce platforms contribute to combating trafficking through the darknet and social networks.

Furthermore, the application of emerging technologies, in particular systems based on artificial intelligence and machine learning, enables predictive

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data analysis, the identification of trafficking routes, and the detection of anomalies in shipments or financial flows. Europol and INTERPOL are already using advanced digital analysis tools to map global networks, significantly reducing operational response times.

Last but not least, the continuous professional training of law enforcement personnel is an essential condition for effectiveness. Training programs organized by UNODC, CEPOL, or INTERPOL contribute to the standardization of investigation procedures, the harmonization of evidence collection techniques, and the strengthening of international cooperation.

A complementary dimension, promoted by the UN and the European Union, is the integration of public health and prevention aspects into anti-drug strategies. Countries that have combined repressive measures with educational and social interventions—such as Portugal or the Nordic countries—have seen significant reductions in the illicit market and recidivism.

Therefore, international best practices show that success in combating drug trafficking depends on an integrated model based on cooperation, innovation, and a balance between repression and prevention. Judicial coordination, precursor control, public-private partnerships, the use of modern technologies, and continuous training are the pillars of an effective global system that can adapt to the new challenges of transnational crime.

CONCLUSION

International judicial cooperation in the field of drug trafficking has evolved considerably in recent decades, becoming a complex system based on mutual trust, automatic recognition of judicial acts, and operational coordination. Instruments such as the European arrest warrant, the European investigation order, and Regulation (EU) 2018/1805 on the mutual recognition of freezing and confiscation orders enable authorities to act quickly and coherently in cross-border cases, reducing the advantages exploited by organized crime networks. At the same time, police cooperation – through Europol, Interpol, SELEC – and the involvement of specialized European agencies have increased the capacity for early detection of trafficking routes and dismantling of networks.

However, significant challenges remain. Legislative differences between countries, issues of admissibility of evidence, and sometimes lengthy delays in the execution of letters rogatory can slow down investigations. In addition, compliance with the requirements of Regulation (EU) 2016/679 and Directive (EU) 2016/680 on data protection requires authorities to strike a delicate balance between operational efficiency and privacy protection in order to avoid both abuse and the loss of relevant evidence.

The outlook for development points to a transition towards more integrated and digitized judicial cooperation. The e-Evidence platform, currently

being implemented, promises the direct and secure transmission of requests for digital evidence, and the digitization of procedures will enable the almost instantaneous issuance and execution of European investigation, seizure, and confiscation orders. At the same time, extending the competence of the European Public Prosecutor's Office (EPPO) to serious forms of cross-border crime, including drug trafficking, could in future ensure uniform coordination of investigations at European level and better management of conflicts of jurisdiction between states.

In terms of criminal policy, a balance is emerging between the repressive and public health components. While drug trafficking is being punished more severely and targeted by extensive confiscation measures, addicted users are increasingly being directed towards treatment, substitution, and social reintegration programs, in line with WHO and UNODC recommendations. This integrated approach responds to the need to reduce not only the supply but also the demand for drugs, contributing to the long-term reduction of the phenomenon.

For Romania, the priority areas should include continuing to harmonize legislation with European standards, investing in digital infrastructure for judicial cooperation, and strengthening partnerships with European and international agencies. At the same time, the development of public health services for the prevention and treatment of addiction remains an essential condition for ensuring a balanced response between prevention, punishment, and reintegration. Only through a coherent combination of legal, police, and social measures can the devastating impact of drug trafficking on security, health, and social cohesion be reduced.

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