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Some Aspects Regarding the Provisions of Articles 175 and 308 Paragraph (1) of the Criminal Code

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Abstract: When the legislator considers that a concept used in a legal text has a meaning specific to the field regulated by the respective provisions, he chooses to provide a legal definition for it. This is the case of the notion of "public servant", which benefits from a legal definition in the content of Art. 175 of the Criminal Code, this definition being necessary for understanding the criminalization rules to which the author has this qualification. Sometimes, for reasons of criminal policy, the legislator chooses to criminalize distinctly, in an attenuated version, the same behaviour but committed by persons other than the public servant, as it is the case with the provisions of Art. 308 Para. (1) of the Criminal Code. The problem that arises is that of applying these legal provisions to concrete cases.

Keywords: public servant; assimilated public servant; private servant; author; crime

JEL Classification: K14

Introduction

In this paper, we would like to draw attention to a special situation regarding the consideration of certain professional categories as public servants, from the perspective of the criminal law, in the sense of Art. 175 of the Criminal Code[2], or private servants (Udroiu, 2017, p. 451), in the sense of Art. 308 Para. (1) of the Criminal Code, in the context in which we also found different opinions in the specialized literature regarding it.

In formulating and supporting our perspective we will consider both the decision[3] of the High Court of Cassation and Justice[4] no. 26/2014 regarding the provisions of Art. 175 Para. (1) Let. b) II sentence of the Criminal Code and Art. 289 Para. (1) of the same code, on the one hand, and Art. 2 of Law[5] No. 188/1999 regarding the Statute of public servants and Art. 375 Para. (2) from Law No. 95/2006 regarding health reform, with the subsequent amendments and additions, by which it was established that "the doctor employed with an employment contract in a hospital unit in the public health system has the capacity of a civil servant in accordance with the provisions of Art. 175 Para. (1) Let. b) sentence II of the Criminal Code", as well as the recent decision[6] of the H.C.C.J. no. 9/2023 for resolving some

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[2] Represented by Law No. 286/2009, published in the Official Gazette of Romania No. 510 of July 24, 2009, with subsequent amendments and additions.
[3] Available at: https://legislatie.just.ro/Public/DetaliiDocument/164582 (accessed: February 27, 2023).
[4] Referred to as H.C.C.J.
[5] Currently repealed by the provisions of Urgent G.O. No. 57/2019 regarding the Administrative Code, with the exceptions provided in the respective normative act, published in the Official Gazette of Romania No. 555 of July 5, 2019, with subsequent amendments and additions, available at: https://www.cdep.ro/pls/legis/legis_pck.frame (accessed: February 27, 2023).
[6] Available at: https://www.iccj.ro/2023/02/13/minuta-deciziei-nr-9-din-13-februarie-2023/ (accessed: February 27, 2023).

legal issues in criminal matters, by which it was established that "the military hospital is a public institution in the sense of Art. 135 of the Criminal Code, and it cannot be the author of the crime of bribery, provided by Art. 289 Para. (1) of the Criminal Code and of the crime of abuse of office, provided by Art. 297 Para. (1) of the Criminal Code." Moreover, we will consider the decision[1] of the H.C.C.J. No. 18/2017 regarding the provisions of Art. 175 Para. (2) of the Criminal Code, by which the supreme court ruled that: "in the sense of the criminal law, the bank official, employee of a banking company with full private capital, authorized and under the supervision of the National Bank of Romania, is a public servant, in accordance with the provisions of Art. 175 Para. (2) of the Criminal Code," as well as the decisions of the Romanian Constitutional Court[2] No. 790/2016[3] regarding the exception of unconstitutionality of the provisions of Art. 308 Para. (1) of the Criminal Code with reference to the phrase "or within any legal entity" related to the provisions of Art. 292 Para. (1) of the Criminal Code, and No. 489/2016[4] regarding the exception of unconstitutionality of the provisions of Art. 291 Para. (1) of the Criminal Code and of Art. 308 Para. (1) of the Criminal Code with reference to the phrase "or within any legal entity" referred to Art. 291 Para. (1) of the Criminal Code, these last two decisions being decisions rejecting the exceptions of unconstitutionality, but extremely important in the context of our analysis.

So, the professional categories that we will refer to in our approach are that of a doctor, who works in a private hospital, respectively in a medical office, but also that of a lawyer, a teacher in pre-university education, who works in a private educational unit, as well as that of a mediator.

Regarding the doctor, we consider that in Law[5] No. 95/2006 regarding health reform, in Art. 381 Para. (2) it is specified that: "(...) the doctor is not a public servant and cannot be assimilated to one.", in Art. 481 Para. (2) it is stipulated that: "the dentist is not a public servant during the exercise of the profession, due to its humanitarian and liberal nature", and in Art. 567 Para. (3) it is stipulated that: "while exercising the profession, the pharmacist is not a public servant."

We consider that the opinion (Udroiu, 2017, p. 414; Rotaru, Trandafir & Cioclei, 2020, p. 248) according to which the doctor employed in a private hospital has the quality of a private servant was generated by an aspect analysed by the H.C.C.J. in the above mentioned decision No. 26/2014, in the sense that "if the employer is a person under private law" then the quality, from the point of view of criminal law, of the employed person is that of a private servant, especially since in Law[6] No. 95/2006 regarding health reform is expressly provided in Art. 169 Para. (3) Let. b), that, from the point of view of ownership, private hospitals are "organized as legal entities under private law".

Before proceeding to an in-depth analysis of all the concepts used in the relevant national legislation in the matter, as well as in the specialized literature, we consider it appropriate to state that the phrase "hospital unit" in the content of decision No. 26/2014 does not comply with the terminology used in Law No. 95/2006, which regulates the health reform, and either the phrase "health unit" or "hospital" should have been used, considering that in accordance with the provisions of Art. 163 Para. (1) from the normative act mentioned above, "the hospital is the sanitary unit with beds, of public utility, with legal personality, which provides medical services", and according to Art. 163 Para. (2) sentence I of the same normative act, "the hospital can be public, public with private sections or compartments or private".

[1] Available at: https://www.iccj.ro/2017/05/30/decizia-nr-18-din-30-mai-2017/ (accessed: March 21, 2023).
[2] Referred to as R.C.C.
[3] Available at: https://dosare.ccr.ro/#/CautareDosare (accessed: March 21, 2023).
[4] Idem.
[5] Published in the Official Gazette of Romania No. 652 of August 28, 2015, with subsequent amendments and additions.
[6] Available at: https://legislatie.just.ro/Public/DetaliiDocument/71139 (accessed: March 21, 2023).

According to the Explanatory Dictionary of the Romanian Language (ExD), it is true that "hospital" means "regarding the hospital"[1], but even the H.C.C.J., when it pronounces a decision either on appeal in the interest of the law, or to resolve a legal issue, should use the terminology specific to the analysed field.

Moreover, in the decision No. 26/2014, H.C.C.J. tilts the balance towards the consideration that the doctor employed in a private hospital cannot have the status of an assimilated public servant[2], although, from the information provided by a network of private hospitals, on its own website[3], "the prices for the services offered to patients (...) are established by each individual clinic, hospital or medical centre"[4]. Therefore, there are fees that are paid for acts performed by doctors, in the exercise of legal duties.

However, we cannot lose sight of the provisions of Art. 163 Para. (1) and (2) of Law No. 95/2006, mentioned above. As correctly noted by H.C.C.J. in decision No. 26/2014, from the interpretation of the norms of Law No. 95/2006 "the doctor carries out his activity in the realization of a service of public interest"[5]. In this context, and considering the decisions of the R.C.C. No. 790/2016 and 489/2016, in which it has been analysed the content of Art. 175 Para. (2) of the Criminal Code, in the sense that the bank official, employee of a banking company with full private capital, authorized and under the supervision of the National Bank of Romania, is a public servant, in accordance with the provisions of Art. 175 Para. (2) of the Criminal Code", performing a service of public interest, likewise, the doctor employed in a private hospital is an assimilated public servant, within the meaning of Art. 175 Para. (2) of the Criminal Code, because the private hospital is a "legal entity under private law", according to Art. 169 Para. (3) from Law No. 95/2006, and according to Art. 4 Para. (1) point 2 of Government Decision[6] No. 144/2010 regarding the organization and operation of the Ministry of Health, "in fulfilling the objectives set out (...) the Ministry of Health (...) ensures the supervision and control of the application of legislation by the institutions and bodies that have responsibilities in the field of public health, social insurance of health and by the health units in the private healthcare sector (...)", and according to point 1 of the same paragraph of the same article, the Ministry of Health also ,,organizes, coordinates and controls (...) activities of (...) medical assistance (...) which is provided through public or private health facilities (...)."

Another interesting aspect, from our point of view, and which has not been addressed in the specialized literature so far, is whether the personnel who work in any of the units with legal personality under the authority of the Ministry of Health, according to Appendix[7] no. 2 at G.D. No. 144/2010, is he or not a public servant, within the meaning of Art. 175 of the Criminal Code, or private servant, within the meaning of Art. 308 Para. (1) of the Criminal Code.

We consider, for the arguments presented by the H.C.C.J. in decision No. 26/2014, that the staff employed in the units fully financed from the state budget have the quality of public servants, within the

[1] Available at: https://dexonline.ro/definitie/spitalicesc/definitii (accessed: March 21, 2023).
[2] For details, see the decision of the H.C.C.J. no. 26/2014, at point XI, letter B, paragraphs 21-23, available at: https://www.iccj.ro/2014/12/03/decizia-nr-26-din-03-decembrie-2014/ (accessed: March 21, 2023).
[3] Available at: https://www.medlife.ro/articole-medicale/spitalizarea-in-sistem-privat-avantaje-conditii-si-costuri (accessed: March 17, 2023).
[4] Idem.
[5] Available at: https://legislatie.just.ro/Public/DetaliiDocument/164582 (accessed: February 27, 2023).
[6] Referred to as G.D. G.D. No. 144/2010 regarding the organization and functioning of the Ministry of Health, published in the Official Gazette of Romania No. 139 of March 2, 2010, with subsequent amendments and additions, available at: https://legislatie.just.ro/Public/DetaliiDocument/116695 (accessed: March 21, 2023).
[7] Appendix no. 2 including the list of units with legal personality subordinated or under the authority of the Ministry of Health, available at: https://legislatie.just.ro/Public/DetaliiDocument/116695 (accessed: March 21, 2023).

meaning of Art. 175 Para. (1) Let. b) thesis II of the Criminal Code, like the doctor employed in a state hospital.

Also, for the reasons stated above, regarding the doctor employed in a private hospital, we consider that the staff who provide a service of public interest in a unit fully financed from their own income from the contracts concluded through the social health insurance system, are assimilated public servant, in the sense of Art. 175 Para. (2) of the Criminal Code.

With regard to the category of units financed from own revenues and subsidies[1] from the state budget, if their capital is majority state, having legal personality, they will fall under the category of "legal entity with full or majority state capital", the personnel who carry out their activity in this units being public servants, pursuant to Art. 175 Para. (1) Let. c) last sentence of the Criminal Code, and if the financing from own revenues is the majority, the staff will fall under Art. 175 Para. (2) of the Criminal Code, as assimilated public servants.

For the staff within the two units under the authority of the Ministry of Health, respectively the National Company "Unifarm" - Co. Bucharest and Commercial Company "Antibiotice" - Co. Iași, we consider that they are also included in the category of public servants, according to Art. 175 Para. (1) Let. c) last sentence of the Criminal Code. We state this also considering the fact that neither of these two units has autonomous management, as provided in sentence I of Art. 175 Para. (1) Let. c) of the Criminal Code, and, moreover, in Law[2] No. 15/1990 regarding the reorganization of the state economic units as autonomous directions and commercial companies it does not rule on the situation of national companies, and regarding the "Antibiotice" Commercial Company - Co. Iași, from the information found on its own website, we learn that the Ministry of Health is the majority shareholder, the other shareholders are persons and legal entities[3], a situation different from that of the autonomous directions, which, according to the provisions of Art. 3^1 Para. (1) from Law No. 15/1990, have "as sole shareholder/associate the Romanian state or the administrative-territorial unit".

Regarding doctors who practice their liberal profession in medical offices, the provisions of two normative acts are relevant, namely: Government Ordinance[4] No. 124/1998 regarding the organization and operation of medical offices and Order[5] of the Minister of Health and Family No. 153 of February 26, 2003 for the approval of the Methodological Norms regarding the establishment, organization and operation of medical offices. In Art. 1 Para. (1) from G.O. No. 124/1998 provides as follows: "the medical office is the unit with or without legal personality, providing public, state or private services (...)", and in Para. (3) of the same article it is stipulated that: "the medical profession, as a liberal profession, can be exercised within the medical office in one of the following forms: a) individual medical office; b) grouped medical offices; c) associated medical offices; d) medical civil society". Moreover, in Art. 6 Para. (3) from G.O. No. 124/1998 is ordered as follows: "control over the establishment, organization and operation of medical offices, regardless of the form of organization, is exercised by the Ministry of Health and Family and the Romanian College of Physicians". Considering the provisions of Art. 175 of the Criminal Code and the aforementioned documents, we consider that

[1] According to ExD, by "subsidy" we mean "non-reimbursable transfer of resources from the state budget (...)". Available at: https://dexonline.ro/definitie/subven%C8%9Bie/definitii (accessed: March 22, 2023).
[2] Published in the Official Gazette of Romania No. 98 of August 8, 1990, with subsequent amendments and additions.
[3] Available at: https://www.antibiotice.ro/wp-content/uploads/2015/06/Act-constitutiv-27.04.2022.pdf (accessed: March 22, 2023).
[4] Referred to as G.O. Published in the Official Gazette of Romania No. 568 of July 1, 2022, with subsequent amendments and additions.
[5] Published in the Official Gazette of Romania No. 353 of May 23, 2003.

doctors who work in medical offices, regardless of the form of organization, are assimilated public servants, in the sense of Art. 175 Para. (2) of the Criminal Code.

Another professional category we want to refer to is that of the lawyer. We want to address the issue of whether the lawyer is a public servant, in the sense of Art. 175 of the Criminal Code, or private servant, within the meaning of Art. 308 Para. (1) of the Criminal Code, considering the distinct (Udroiu, 2017, p. 419; Rotaru, Trandafir & Cioclei, 2020, p. 230) points of view expressed on whether or not to consider the lawyer as an assimilated public servant, according to Art. 175 Para. (2) of the Criminal Code.

On the one hand, in Law[1] No. 51/1995 for the organization and exercise of the lawyer profession is provided in the very Art. 1 that "the lawyer's profession is free and independent" and that "it is practiced only by lawyers registered in the bar of which they belong, a component bar of the National Union of Bars in Romania[2]". On the other hand, in Art. 43 Para. (1) the last sentence of Law No. 51/1995 it is stipulated that: "the N.U.B.R. budget consists of the contributions of the bar associations, established according to the law and the statute of the profession", and in Art. 59 Para. (1) and (2) of the same normative act it is stipulated that: "The National Union of Bars in Romania - N.U.B.R. is composed of all the bars in Romania and has its headquarters in the capital of the country, Bucharest" and that: "N.U.B.R. is a legal entity of public interest, it has its own patrimony and budget".

In the context of the existing legal framework regarding the organization and exercise of the lawyer profession and considering the provisions of Art. 175 of the Criminal Code, the lawyer cannot have the capacity of either a public servant or an assimilated public servant. In this sense, considering the forms of exercising the profession of lawyer, according to Art. 5 Para. (1) of Law No. 51/1995, respectively, "individual offices, associated offices, professional civil companies or professional companies with limited liability", in none of these forms it can be stated that, within the meaning of the criminal law, the lawyer would be a public servant, according to Art. 175 Para. (1) of the Criminal Code. Also, he cannot be considered an assimilated public servant, according to Art. 175 Para. (2) of the Criminal Code, because, in the context of Art. 59 Para. (2) of Law No. 51/1995, although the service provided is one of public interest, and one of the conditions established by the legislator in Art. 175 Para. (2) of the Criminal Code is fulfilled, however, the condition that for the exercise of the said public service it has to be "invested by the public authorities" or to be "subject to their control or supervision regarding the performance of the said public service" is not fulfilled cumulatively.

In the same register, we consider, on one hand, that, in the exercise of the profession, the lawyer cannot be a private servant, in the sense of Art. 308 Para. (1) of the Criminal Code because it does not fall under any of the two theses of that paragraph, i.e. it is not in the service of a person provided in Art. 175 Para. (2) of the Criminal Code, nor in that of any legal entity, in the context in which the N.U.B.R. is a legal entity of public interest, and the lawyer is not employed nor does he perform any task of any kind in its service. But from this situation, there is an exception, the one in which the lawyer, having a position within the governing bodies of the bar or of the U.N.B.R., both being legal entities[3], is thus a private servant[4], pursuant to the last sentence of Art. 308 Para. (1) of the Criminal Code.

[1] Published in the Official Gazette of Romania No. 440 of May 24, 2018, with subsequent amendments and additions.
[2] Referred to as N.U.B.R.
[3] According to Art. 49 Para. (2), respectively Art. 59 Para. (2) of Law No. 51/1995 regarding the organization and exercise of the lawyer profession.
[4] Arguments leading to the same solution can also be found in the Decision of the H.C.C.J. no. 37/2022 for resolving a legal issue related to the person holding a leadership position in a political party, available at: https://www.iccj.ro/2022/10/26/decizia-nr-37-din -8-June-2022/ (accessed: February 28, 2023).

On the other hand, we consider that there is also a situation in which the lawyer can be the author of the crime of bribery, namely when he is an arbitrator, applying the provisions of Art. 293 of the Criminal Code. We consider the quality of arbitrator that the lawyer can have, pursuant to Art. 50 Para. (3) from Law No. 51/1995 and Art. 185 Para. (2) thesis II of the Statute[1] of the lawyer profession. Thus, according to Art. 50 Para. (3) from Law No. 51/1995: "Within each bar, the Professional Arbitration Court of Lawyers is organized and operates, a permanent arbitration institution, non-governmental, without legal personality, independent in the exercise of its powers. The organization, functioning, as well as the powers of the Court of Professional Arbitration of Lawyers are regulated according to the Statute of the lawyer profession". According to Art. 185 Para. (2) sentence II of the aforementioned Statute: "Arbitrators can only be permanent lawyers from the respective bar, with at least 10 years of experience in the profession".

Another professional category that we want to refer to is that of the mediator because distinct opinions (Dobrinoiu & Neagu, 2011, p. 433; Rotaru, Trandafir & Cioclei, 2020, p. 230) have been formulated regarding this profession as well, in the sense of being considered or not an assimilated public servant, according to criminal law provisions of Art. 175 Para. (2) of the Criminal Code.

In Law[2] No. 192/2006 on mediation and the organization of the mediator profession is provided in the very Art. 4 Para. (1) that: "mediation represents an activity of public interest", and in Art. 8 Para. (1) it is stipulated that: "persons who meet the conditions provided in Art[3]. 7 will be authorized as mediators by the Mediation Council (...)".

In Art. 1 Para. (1) of the Regulation[4] on the organization and operation of the Mediation Council is provided as follows: "The Mediation Council, hereinafter referred to as the Council, is an autonomous body with legal personality, of public interest, with headquarters in the city of Bucharest, with regulatory powers in the field of mediation (...)", and in Para. (2) of the same article is stipulated as follows: "The Mediation Council is the only competent authority in Romania that regulates the initial and continuous professional training of mediators (...)".

The Mediation Council has legal personality and is of public interest, as is the N.U.B.R. For the same considerations expressed in the case of the lawyer, we consider that the mediator can neither be a public servant nor an assimilated one, within the meaning of Art. 175 of the Criminal Code, nor a private servant, within the meaning of Art. 308 Para. (1) of the Criminal Code, in the exercise of the profession. But the exception analysed for the lawyer, relative to the consideration as a private servant, in the sense of the last thesis of Art. 308 Para. (1) of the Criminal Code, is also valid in the case of the mediator, when the latter performs duties as a member of the Mediation Council, for this activity having the right to a monthly allowance, according to Art. 5 Para. (3) of the Regulation on the organization and operation of the Mediation Council.

Another professional category that we want to refer to is that of the teacher in private pre-university education, in the context of the existence of the decision[5] of the H.C.C.J. No. 8/2017 by which it was ruled that: "the teacher in the state pre-university education has the capacity of a public servant in accordance with the provisions of Art. 175 Para. (1) Let. b) thesis II of the Criminal Code" but also of

[1] Available at: https://www.unbr.ro/statutul-profesiei-de-avocat/ (accessed: April 4, 2023).
[2] Published in the Official Gazette of Romania No. 441 of May 22, 2006, with subsequent amendments and additions.
[3] In Art. 7 of Law No. 192/2006, the conditions necessary to be met cumulatively for a person to become a mediator are provided. Available at: https://legislatie.just.ro/Public/DetaliiDocument/71928 (accessed: March 22, 2023).
[4] Approved by Decision No. 5/2007 of the Mediation Council, published in the Official Gazette of Romania No. 505 of July 27, 2007, with subsequent amendments and additions, available at: https://www.cmediere.ro/legislatie/7/ (accessed: March 22, 2023).
[5] Available at: https://www.iccj.ro/2017/03/15/decizia-nr-8-din-15-martie-2017/ (accessed: March 22, 2023).

the provisions of Art. 10 Para. (1) of Law[1] No. 1/2011 of national education relative to the fact that "in Romania, education is a service of public interest (...)".

We consider the rules of Art. 22 Para. (7) from Law No. 1/2011 of national education, according to which, "through the accreditation order (...) legal personality is established and granted, as follows: a) of private law and of public utility, for private pre-university education units, established on the initiative and with the resources of private legal entities; b) of private law and of public utility, for confessional pre-university education units, established on the initiative, with the resources and according to the specific requirements of each cult recognized by the state; c) of public law, for state pre-university education units". Therefore, private pre-university education units are of public utility. By the phrase "public utility" we mean "any activity that is carried out in areas of general public or some communities interest"[2].

In the considerations of the H.C.C.J. decision[3] No. 20/2014 by which the court established the status of assimilated public servant for the judicial technical expert, it is specified that there "are included (N.N. in the category of assimilated public servants) individuals who receive the management of a national or local, economic or sociocultural public service, becoming, thus, of public utility. It is about subjects who carry out their activity within legal entities under private law (…)". *Mutatis mutandis* we consider that the teacher in private pre-university education has the status of an assimilated public servant, according to Art. 175 Para. (2) of the Criminal Code.

Likewise, we consider that in the case of higher education teachers[4], they are either public servants, according to Art. 175 Para. (1) Let. b) II thesis of the Criminal Code, or assimilated public servants, according to Art. 175 Para. (2) of the Criminal Code, as they carry out their activity in a state unit or in a private unit of higher education. We also consider the provisions of Art. 114 Para. (5) of Law No. 1/2011, according to which: "higher education institutions are legal entities under public law or, as the case may be, legal entities under private law and of public utility". In this context, we consider that, from the point of view of the incidental legal provisions, as well as in the context of the decisions of the H.C.C.J. No. 8/2014 and 20/2014 mentioned above, it is wrong to consider the teacher who works in a private institution of higher education as a public servant, an aspect highlighted still by the Criminal Section of the H.C.C.J., in the decision[5] No. 97/A/2017, and that he should be considered an assimilated civil servant, according to Art. 175 Para. (2) of the Criminal Code.

A good knowledge of the legal provisions in force, in the field of criminal law, ensures their correct application to the cases brought to trial and, consequently, the respect of the rights of all citizens.

[1] Published in the Official Gazette of Romania No. 18 of January 10, 2011, with subsequent amendments and additions.
[2] According to art. 38[1] of the G.O. No. 26/2000 regarding associations and foundations, published in the Official Gazette of Romania No. 39 of January 31, 2000, with subsequent amendments and additions.
[3] H.C.C.J decision No. 20/2014 regarding the quality of the judicial technical expert as a public servant in accordance with the provisions of Art. 175 Para. (2) first sentence of the Criminal Code, available at: https://www.iccj.ro/2014/09/29/decizia-nr-20-din-29-septembrie-2014/ (accessed: March 28, 2023).
[4] We do not mean the teaching degree, but the reference to teaching staff in higher education.
[5]https://www.scj.ro/1093/Detaliijurisprudenta?customQuery%5B0%5D.Key=id&customQuery%5B0%5D.Value=138451#highlight=%23%23.

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*** G.O. no. 124/1998 on the organization and operation of medical offices.

*** G.O. no. 26/2000 regarding associations and foundations.

*** H.C.C.J decision no. 20/2014 regarding the quality of the judicial technical expert as a public official in accordance with the provisions of Art. 175 Para. (2) the first thesis of the Criminal Code

*** H.C.C.J. decision no. 26/2014 regarding the provisions of Art. 175 Para. (1) Let. b) II thesis of the Criminal Code and Art. 289 Para. (1) of the same code, on the one hand, and Art. 2 of Law no. 188/1999 regarding the Statute of public servants and Art. 375 Para. (2) of Law no. 95/2006 on health reform, with subsequent amendments and additions

*** H.C.C.J. decision no. 37/2022 regarding the provisions of Art. 147 Para. (1) of the Criminal Code of 1968, of Art. 175 Para. (1) Let. b) II sentence and of Art. 175 Para. (2) of the current Criminal Code

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