

Infraction	Penalty		Statute of limitation term		Regulation covering Judicial proceedings		
	Current Criminal code	Draft code	Current	Draft	Partial exoneration	Prolongation	Broadening the covering sphere of the infraction
Bribery (Receiving)	Article 254: 3 – 12 years in prison and interdiction of several rights	Article 288: 2 up to 7 years in prison and interdiction of the right to hold public office or exert the profession or activity in whose practice the act was committed	10 years	8 years	<ul style="list-style-type: none"> <li>• Non-rejection of the promise to receive money or other goods to which one is not entitled to (tacit acceptance)</li> <li>• Infraction for the persons stipulated in art. 175 (2) of the Draft Penal Code strictly with regard to not fulfilling, delaying an act concerning the legal obligations or concerning the performance of an act contrary to these legal obligations</li> </ul> <p>Special limits reduced to half when dealing with other active subjects apart from those stipulated in art. 175 (1).</p>	<ul style="list-style-type: none"> <li>✓ Money claiming</li> <li>✓ Receiving money directly or indirectly, through intermediates, taking into possession, assuming of a good</li> <li>✓ Explicit or tacit acceptance – clear agreement of the offender concerning the bribery offer.</li> </ul> <p>Special confiscation is prolonged.</p>	Added urgency as purpose
Bribery (Giving)	Article 255: 6 months up to 5 years in prison	Article 289: one up to 5 years in prison	5 years	5 years	<p>Limits reduced to half with regard to the subjects stipulated in art. 175</p> <p>Removed – the offer was not followed by agreement</p>	<p>Same judicial proceedings – promising, offering or giving money or different goods</p> <p>Prolongation:</p> <ul style="list-style-type: none"> <li>• Constraint by any means upon the one receiving bribe</li> <li>• Desisting – the briber is not penalized if he or she denounces the act to the authority before the investigation body is informed</li> </ul>	Restitution is prolonged, as well as special seizure or through equivalent

						regarding the infraction.	
Trading in influence	Article 257: 2 up to 10 years in prison	Article 290: one up to 5 years in prison	8 years	5 years	Receiving or claiming, accepting promises directly or indirectly for one's self or for another	<b>Several requirements</b> must be fulfilled when judging the existence of an infraction of trading in influence:  The offender must have influence or at least create the false impression to the buyer that he or she has the influence requested.	<i>Money or other goods</i> are explicitly stipulated, replacing <i>gifts</i> , as in the current regulation  Broadening the purpose – to carry out an act contrary to these obligations
Influence buying	Law no. 78/2000: 2 up to 10 years in prison	Article 291: one up to 5 years in prison	8 years	5 years			Newly introduced as infraction
Bribery of national public officials	Article 256: 6 months up to 5 years in prison	Removed – motivating by the inclusion in "receiving bribe", although they represent distinct infractions	5 years				
Abuse of functions Abuse in office	Article 247: 6 months up to 5 years in prison  Article 248: 6 months up to 5 years in prison  Article 248 <sup>1</sup> : 5 to 15 years in prison and interdiction of several rights	Article 292: one up to 5 years in prison  Article 297: 6 months up to 3 years in prison	5 years  10 years (if severe)	5 years  5 years	The forms of abuse from the current code are to be eliminated:  1. Abuse in office by restraining several rights.  2. Abuse in office against the public interest.  3. Qualified abuse in office.		Newly introduced as corruption offence
Conflict of	Article 253 <sup>1</sup> :	Article 301:	5 years	5 years	<i>Services</i> are replaced by		Stipulated as infraction

interests	6 months up to 5 years in prison	one up to 5 years in prison			<i>goods</i> and it no longer refers to the civil servant, but to servant in the sense of art. 175 of the Draft.		in office, and not as a corruption offence
Acts committed by members of Arbitration Courts or with regard to arbitration		Article 293: If severe in regard to bribery, giving and receiving – same penalties applied.		8 years (receiving bribe) 5 years (giving bribe)			<b>Newly introduced</b>
Acts committed by foreign public officials or with regard to them		Article 294: If severe with regard to bribery, giving and receiving – same penalties applied		8 years (receiving bribe) 5 years (giving bribe)			<b>Newly introduced</b>
Embezzlement	Article 215 <sup>1</sup> : one up to 15 years in prison	Article 295: 2 up to 7 years in prison	10 years	8 years	<b>It is no longer severe – the consequences</b> are exceptionally severe.	<b>Same proceedings.</b>	Stipulated as infraction with regard to office obligations, however art. 308 concerning Exoneration does not apply to the persons enumerated in art. 175 (2) that exercise activities of public interest.  The attempt is punished by interdiction of the right to hold public office.
Abusive conduct	Article 250: one month up to 2 years in prison or fine  If severe, 2 up to 10 years in prison	Article 296: one month up to 6 months in prison or fine	5 years  10 years (if severe)	3 years	Does not apply in the case of issuing, approval or adoption of normative acts.		Newly introduced – the prerequisite criminal complaint.
Negligence in office	Article 249: one month up to 2 years in prison or fine	Article 298: 6 months up to 3 years in prison	5 years  8 years (if	5 years			Applies if it leads to a prejudice or the restraint of legitimate rights or

	If severe, 2 up to 10 years in prison		severe)				interests of a natural or a legal person, not only to public institutions
Abusive usage of public office in sexual purpose		Article 299: 6 months up to 3 years in prison		5 years			Newly introduced
Office usurpation	Article 240: usurpation of official titles – 6 months up to 3 years in prison	Article 300: 6 months up to 3 years in prison or fine	5 years	5 years			New infraction in regard to its definition and sphere of action – it's consequence is considered abuse – engaging in an activity which does not comply to the obligations, if by doing so an abuse was committed
Illegal insider information trading		Article 302: one up to 5 years in prison		5 years			
Disclosure of classified information	Article 169: 5 up to 10 years in prison	Article 303: 2 up to 7 years in prison and interdiction of certain rights.	10 years	8 years			Not mentioned in the current code as infractions in office New formulation
Disclosure of confidential or non-public information (professional secrecy)	Article 196: Disclosure of professional secrecy – 3 months up to 2 years in prison or fine	Article 304: 6 months up to 3 years in prison or fine.	5 years	5 years			New formulation
Negligence in handling information		Article 305: 3 months up to one year in prison or fine		3 years			New formulation
Illegal acquirement of funds		Article 306: 2 up to 7 years in prison		8 years			New formulation

Racketeering and extortion	<b>Article 302<sup>1</sup>:</b> 5 up to 15 years in prison and interdiction of several rights	Article 307: One up to 5 years in prison	10 years	5 years			<p>Modifying the destination of material resources allocated to a public authority or institution</p> <p>Modifying the destination of material resources generated by reimbursable funding contracted directly or guaranteed by the state or by the administrative divisions.</p> <p>The attempt is punished.</p>
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