

# THE CONSTITUTION OF ROMANIA, REPUBLISHED (2003)

As amended and supplemented by the Law on Revision of the Constitution of Romania, No. 429/2003, published in the Official Gazette of Romania, Part I, no. 758 of 29 October 2003; republished, with updated designations and new successive numbers for the texts, in the Official Gazette of Romania, Part I, no. 767 of 31 October 2003. The Law on Revision of the Constitution of Romania, No. 429/2003, was approved by the national referendum of 18-19 October 2003 and came into force on 29 October 2003, the date of publication in the Official Gazette of Romania, Part I, of the Constitutional Court Ruling no. 3 of 22 October 2003, confirming the results of the referendum held on 18-19 October 2003 as to the Law on Revision of the Constitution of Romania. The Constitution of Romania, in its initial form, was published in the Official Gazette of Romania, Part I, no.233 on 21 November, 1991 and came into force following its approval by the national referendum of 8 December 1991.

## TITLE I

### GENERAL PRINCIPLES

#### THE ROMANIAN STATE

##### ARTICLE 1

(1) Romania is a sovereign, independent, unitary, and indivisible National State.

(2) The form of government of the Romanian State is the Republic.

Romania is a democratic and social state governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the Romanian people's democratic traditions and the ideals embodied by the December 1989 Revolution, and shall be guaranteed.

(4) The State shall be organized based on the principle of the separation and balance of powers - legislative, executive, and judicial - within the framework of a constitutional democracy.

(5) Observance of the Constitution, of its supremacy, and the laws shall be obligatory in Romania.

## SOVEREIGNTY

### ARTICLE 2

(1) National sovereignty belongs to the Romanian people, who shall exercise it through their representative bodies established as a result of free, periodic and fair elections, as well as by means of a referendum.

(2) No group or individual may exercise sovereignty in their own name.

## TERRITORY

### ARTICLE 3

(1) The territory of Romania is inalienable.

(2) The frontiers of the country are sanctioned by organic law, while abiding by the principles and other generally recognized rules of international law.

(3) The territory is organized, in administrative aspects, into parishes (communes), towns, and counties. Towns may be declared Municipalities under the terms of the law.

(4) No foreign population shall be displaced into, or colonized within the territory of the Romanian State.

## UNITY OF THE PEOPLE AND EQUALITY OF ALL CITIZENS

### ARTICLE 4

(1) The State is based on the unity of the Romanian people and the solidarity of its citizens.

(2) Romania is the common and indivisible homeland of all citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth, or social origin.

## CITIZENSHIP

### ARTICLE 5

(1) Romanian citizenship may be acquired, preserved, or lost under the terms established by an organic law.

(2) Romanian citizenship cannot be withdrawn if acquired by birth.

## RIGHT TO IDENTITY

### ARTICLE 6

(1) The State recognizes and guarantees for persons belonging to national minorities the right to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.

(2) Measures of protection taken by the Romanian State with a view to the preservation, development and expression of identity of persons belonging to national minorities must be consistent with the principles of equality and non-discrimination as to the other Romanian citizens.

## ROMANIANS ABROAD

### ARTICLE 7

The State shall support the strengthening of ties with Romanians who live abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, while abiding by the legislation of the State of which they are citizens.

## PLURALISM AND POLITICAL PARTIES

### ARTICLE 8

(1) Pluralism in Romanian society is a prerequisite and a safeguard for constitutional democracy.

(2) The political parties are established and pursue their activities in accordance with the law. They assist in defining and giving expression to the citizens' political will, and shall respect national sovereignty, territorial integrity, the legal order and principles of democracy.

## TRADE UNIONS, EMPLOYERS' ASSOCIATIONS, AND VOCATIONAL ASSOCIATIONS

### ARTICLE 9

Trade unions, employers' associations, and vocational associations are established and carry out their activity according to their own Articles, subject to the law. They partake in the protection of the rights and in the promotion of vocational, economic, and social interests of their members.

## INTERNATIONAL RELATIONS

### ARTICLE 10

Romania fosters and develops peaceful relations with all the states, and in this context, good neighbourly relations based on the principles and other generally recognized rules of international law.

## INTERNATIONAL LAW AND DOMESTIC LAW

### ARTICLE 11

(1) The Romanian State pledges to fulfil as such and in good faith any obligations as may derive from the treaties to which it has become a party.

(2) Once ratified by Parliament, subject to the law, treaties shall be part of domestic law.

(3) Where a treaty to which Romania is to become party comprises provisions contrary to the Constitution, ratification shall only be possible after a constitutional revision.

## NATIONAL SYMBOLS

### ARTICLE 12

(1) Romania's flag is tricolour, its vertical stripes arranged in the following sequence from the flag-pole: blue, yellow, and red.

(2) The National Day of Romania is the 1st of December.

(3) The national anthem of Romania is "Awaken, Romanians!".

(4) The Country's coat of arms and the State seal are established by organic laws.

## OFFICIAL LANGUAGE

### ARTICLE 13

Romanian is the official language in Romania.

## THE CAPITAL

### ARTICLE 14

The Capital of Romania is the city of Bucharest.

## TITLE II

# FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

## CHAPTER I

### GENERAL PROVISIONS

#### UNIVERSALITY

### ARTICLE 15

(1) All citizens shall enjoy the rights and freedoms as are enshrined by the Constitution and laws, and shall be subject to the duties laid down thereby.

(2) The law shall only take effect for the future, except the more favourable law which lays down penal or administrative sanctions.

### EQUALITY OF RIGHTS

### ARTICLE 16

(1) Citizens are equal before the law and public authorities, without any privilege or discrimination.

(2) No one is above the law.

(3) Public functions or dignitary positions, whether civil or military, may be held in accordance with the law by persons who are Romanian citizens and have their domicile within the national territory. The Romanian State guarantees equal opportunities for men and women in order to accede to such functions and dignitary positions.

(4) Under the terms of Romania's accession to the European Union, the Union's citizens who satisfy requirements set out in the organic law shall have the right to vote for, and to stand for election as, members of the organs of local public administration.

## ROMANIAN CITIZENS ABROAD

### ARTICLE 17

Romanian citizens while abroad shall enjoy the protection of the Romanian State and must fulfil their duties, except those incompatible with their absence from the country.

## ALIENS AND STATELESS PERSONS

### ARTICLE 18

(1) Aliens and stateless persons who are resident in Romania shall enjoy general protection of person and wealth as guaranteed by the Constitution and other laws.

(2) The right to asylum shall be granted and withdrawn under the terms of the law, in accord with the international treaties and conventions to which Romania is a party.

## EXTRADITION AND EXPULSION

### ARTICLE 19

(1) No Romanian citizen may be extradited or expelled from Romania.

(2) By derogation from provisions of paragraph (1), Romanian citizens can be extradited on the basis of international agreements to which Romania is a party, subject to the law and provided that there is reciprocity.

(3) Aliens and stateless persons may only be extradited on the basis of an international agreement or in terms of reciprocity.

(4) Expulsion or extradition will be ruled by the court.

## INTERNATIONAL HUMAN RIGHTS TREATIES

### ARTICLE 20

(1) The constitutional provisions relative to the citizens' rights and freedoms shall be interpreted and applied in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties to which Romania is a party.

(2) Where inconsistency exists between the covenants and treaties on fundamental human rights to which Romania is a party, and national law, the international regulations shall prevail except where the Constitution or domestic laws comprise more favourable provisions.

## FREE ACCESS TO THE COURTS

### ARTICLE 21

(1) Everyone shall have access to the courts in order to defend his rights, freedoms and legitimate interests.

(2) No law shall allow restrictions on the exercise of that right.

(3) Parties are entitled to a fair trial and to have their case resolved within a reasonable time.

(4) Special administrative jurisdictions are optional and free of charge.

## CHAPTER II

### FUNDAMENTAL RIGHTS AND FREEDOMS

#### RIGHT TO LIFE, TO PHYSICAL AND MENTAL INTEGRITY

### ARTICLE 22

(1) The right to life, as well as the right to physical and mental integrity of person are guaranteed.

(2) No one shall be subjected to torture or to any inhuman or degrading punishment or treatment.

(3) The death penalty is abolished.

## PERSONAL LIBERTY

### ARTICLE 23

- (1) Individual liberty and security of person are inviolable.
- (2) Search, taking into temporary custody or arrest of a person shall only be permitted in the cases and under the procedure prescribed by law.
- (3) Temporary police custody may not exceed 24 hours.
- (4) Pre-trial detention shall be ordered by a judge and only during criminal proceedings.
- (5) In the course of prosecution proceedings, pre-trial detention may be ordered up to 30 days and prolonged for up to another 30 days each, without the overall length being in excess of a reasonable time, however 180 days at the most.
- (6) In the course of trial proceedings, the lawfulness and grounds for pre-trial detention must be reviewed by the court on a regular basis, but no later than 60 days, subject to the law, and the court must order that the defendant be forthwith released if the grounds for his detention no longer exist or should it find no other grounds which may justify continuance of such deprivation of liberty.
- (7) Intermediate rulings made by the court as to pre-trial detention are subject to appeal as prescribed by law.
- (8) Anyone detained or arrested shall be promptly informed, in a language he understands, of the reasons for his detention or arrest, and notified of the charges against him as soon as practicable; the notification of the charges shall only be made in the presence of a lawyer of his own choosing or appointed ex officio.
- (9) Release of a detained or arrested person shall be obligatory if the reasons for such measure disappeared as well as in other instances determined by law.
- (10) Anyone detained pending trial shall have the right to apply for provisional release, under judicial supervision or on bail.
- (11) Anyone shall be presumed innocent until found guilty by a final decision of the court.
- (12) No punishment may be determined or applied unless in conformity with, and based on the law.



(13) Sanctions that involve deprivation of liberty may only pertain to a criminal trial.

## RIGHT TO DEFENCE

### ARTICLE 24

(1) The right to defence is guaranteed.

(2) The parties have the right to be assisted, throughout the proceedings, by a lawyer of their own choosing or appointed ex officio.

## FREEDOM OF MOVEMENT

### ARTICLE 25

(1) The right of free movement within the national territory and abroad is guaranteed. The law shall determine the conditions for the exercise of this right.

(2) Every citizen is guaranteed the right to establish his domicile or residence anywhere in the country, to emigrate, and to return to his country.

## PERSONAL, FAMILY AND PRIVATE LIFE

### ARTICLE 26

(1) The public authorities shall respect and protect personal, family and private life.

(2) Any natural person has the right to freely dispose of himself unless he thereby encroaches upon the rights and freedoms of others, on public order, or morals.

## INVOLABILITY OF THE HOME

### ARTICLE 27

(1) The domicile and the residence are inviolable. No one may enter or remain in a person's domicile or residence without his consent.

(2) Derogation from the provisions of paragraph (1) is possible under the law, for the following instances:

a) to carry into execution an arrest warrant or a court order;

b) to avert threats at someone's life, physical integrity, or assets;

c) to defend national security or public order;

d) to prevent the spread of an epidemic.

(3) Searches may only be ordered by a judge and shall be conducted under the terms and in the forms stipulated by law.

4) Searches during night time are forbidden, except in cases of flagrante delicto.

## SECRECY OF CORRESPONDENCE

### ARTICLE 28

Secrecy of letters, telegrams and other mail communication, of telephone conversation and any other lawful means of communication is inviolable.

## FREEDOM OF CONSCIENCE

### ARTICLE 29

(1) Freedom of thought, opinion, and religious beliefs may not be restricted in any form whatsoever. No one may be compelled to embrace an opinion or religion contrary to his own convictions.

(2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.

(3) All religions shall be free and organized in accordance with their own statutory rules, under the conditions set out by the law.

(4) Any form, means, act or action of religious enmity in the relations between cults shall be forbidden.

(5) Religious cults are autonomous of, and shall enjoy support from the State which includes the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.

(6) Parents or legal tutors are entitled to ensure for children under their responsibility the upbringing which accords with their own convictions.

## FREEDOM OF EXPRESSION

### ARTICLE 30

(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, whether by spoken words, in writing, in pictures, by sounds or any other means of communication in public, is inviolable.

(2) Any kind of censorship is prohibited.

(3) Freedom of the press also involves free founding of publications.

(4) No publication may be suppressed.

(5) The law may require that the mass media disclose their financing sources.

(6) Freedom of expression shall not be prejudicial to dignity, honour, privacy of person, nor to one's right for his own image.

(7) Defamation of Country and Nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morals are forbidden by law.

(8) Civil liability for any information or creation released for the public falls upon the publisher or producer, author, producer of an artistic performance, owner of copying facilities, or radio or television stations, subject to the law. Indictable offences of the press shall be established by law.

## RIGHT TO INFORMATION

### ARTICLE 31

(1) No restriction shall be placed on the right for access to any information of public interest.

(2) The public authorities must provide, in accordance with their respective competence, correct information to the citizens on public affairs and matters of personal interest.

(3) The right to information must bring no prejudice to measures of protection for the young persons, or to national security.

(4) The media, whether public or private, must provide correct information for the public opinion.

(5) Public radio and television services shall be autonomous. They must guarantee the exercise of the right to broadcasting time for all significant social and political groups. The organisation of these services and parliamentary oversight of their activity are laid down by an organic law.

## RIGHT TO EDUCATION

### ARTICLE 32

(1) The right to education is ensured by compulsory general education, education in high schools and vocational schools, higher education, as well as other forms of instruction and post-graduate training courses.

(2) Education at all grades shall be conducted in Romanian. Under the terms of the law, education may also be conducted in a foreign language of international use.

(3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be taught in this language are guaranteed; the manner in which these rights may be exercised shall be determined by law.

(4) Public education shall be free, according to the law. The State affords social grants for children or young persons whose family background is underprivileged, as well as for those institutionalised, subject to the law.

(5) Tuition at all levels is conducted in public, private, or confessional schools, according to the law.

(6) The autonomy of universities is guaranteed.

(7) The State ensures freedom of religious education, subject to the specific requirements for each denomination. In public schools, religious education is organized and guaranteed by the law.

## ACCESS TO CULTURE

### ARTICLE 33

(1) Access to culture is guaranteed under the law.

(2) Freedom to develop one's spirituality and to have access to values of both national and universal culture shall not be hindered.

(3) The State must ensure the preservation of spiritual identity, and render necessary support for national culture, the fostering of arts, the protection and conservation of cultural heritage, the development of contemporary creativity, and the promotion of Romania's cultural and artistic values throughout the world.

## RIGHT TO HEALTH PROTECTION

### ARTICLE 34

(1) The right to health protection is guaranteed.

(2) The State must take steps in order to secure public health and hygiene.

(3) Organisation of the medical care and social security system in case of illness, accidents, motherhood, and rehabilitation, supervision of the exercise of medical professions and paramedical activities, as well as other measures for the protection of the person's physical and mental health are established under the law.

## RIGHT TO A HEALTHY ENVIRONMENT

### ARTICLE 35

(1) The State recognizes everyone's right to a healthy, well preserved and ecologically balanced environment.

(2) The State shall provide the legislative framework for the exercise of that right.

(3) All individuals and corporate bodies are subject to the duty to protect and better the environment.

## THE RIGHT TO VOTE

### ARTICLE 36

(1) Every citizen who has attained the age of 18 years up to or on the elections day has the right to vote.

(2) Mentally deficient or alienated persons who are laid under a judicial interdiction or those disenfranchised by a final court decision may not vote.

## RIGHT TO BE ELECTED

### ARTICLE 37

(1) Eligibility to stand in elections is granted to all citizens with voting rights who meet the requirements set out in Article 16 paragraph (3), unless they are forbidden to join a political party in accordance with Article 40 paragraph (3).

(2) Candidates must have turned, up to or on the elections day, at least 23 years in order to stand in elections for the Chamber of Deputies or the bodies of local public administration, at least 33 years, to stand in elections for the Senate, and at least 35 years, to stand in elections for the office of President of Romania.

## RIGHT TO BE ELECTED FOR THE EUROPEAN PARLIAMENT

### ARTICLE 38

Once Romania has acceded to the European Union, Romanian citizens shall have the right to vote and to stand in elections for the European Parliament.

## FREEDOM OF ASSEMBLY

### ARTICLE 39

Public meetings, processions, demonstrations or any other assembly shall be free and may be organized and held only peacefully, without any arms.

## FREEDOM OF ASSOCIATION

## ARTICLE 40

- (1) Citizens may freely associate into political parties, trade unions, employers' associations, and other forms of association.
- (2) Political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against Romania's sovereignty, integrity or independence, shall be unconstitutional.
- (3) Judges of the Constitutional Court, the advocates of the people, magistrates, active members of the Armed Forces, policemen and other categories of civil servants as determined by an organic law, are forbidden to join political parties.
- (4) Secret associations are prohibited.

## LABOUR AND SOCIAL PROTECTION OF LABOUR

### ARTICLE 41

- (1) The right to work may not be restricted. Everyone has a free choice of his profession, trade or occupation, as well as place of work.
- (2) Employees have the right to measures of social protection. These concern the employees' safety and health, conditions of work for women and young persons, the setting up of a minimum gross salary per economy, weekly rest periods, rest leave with pay, work performed under difficult and special conditions, training courses, as well as other specific conditions determined by law.
- (3) The normal duration of a working day is maximum eight hours, on average.
- (4) For equal work with men, women shall get equal wages.
- (5) The right to collective labour bargaining and the binding force of collective agreements are guaranteed.

## PROHIBITION OF FORCED LABOUR

### ARTICLE 42

- (1) Forced labour is prohibited.

(2) Forced labour shall not include:

- a) activities in carrying out the military service as well as activities performed in lieu thereof, according to the law, due to religious or conscience-related reasons;
- b) the work of a sentenced person, carried out under normal conditions, during detention or conditional release;
- c) any services required to deal with a calamity or any other danger, as well as those which are part of normal civic obligations as established by law.

## RIGHT TO STRIKE

### ARTICLE 43

(1) Employees have the right to strike in defence of their professional, economic and social interests.

(2) The law shall determine the terms and limits relative to the exercise of that right as well as the necessary safeguards in order to ensure essential services for society.

## RIGHT TO PRIVATE PROPERTY

### ARTICLE 44

(1) The right to property and to debts which incur on the State shall be guaranteed. The content and limits of these rights are established by law.

(2) Private property is equally guaranteed and protected under the law, irrespective of its owner. Aliens and stateless persons may acquire private ownership of lands only under the terms as may arise from Romania's accession to the European Union and from other international treaties to which Romania is a party, on a reciprocal basis, in accordance with an organic law, as well as by way of statutory inheritance.

(3) No one may be expropriated except for a cause of public utility established subject to the law, with just compensation paid in advance.

(4) Nationalisation or any other measure of forcible transfer of assets into the public property on account of the owners' social, ethnic, religious, political affiliation or any other discriminative feature is prohibited.



(5) For projects of general interest, the public authority may use the subsoil of any immovable property, having the obligation to pay compensation to its owner for the damages caused to the soil, plantations or buildings as well as for other damages imputable to the authority.

(6) Compensations provided under paragraphs (3) and (5) shall be established as agreed with the owner or by the court, where no settlement can be reached.

(7) The right to property compels to respect for the duties relating to environmental protection and assuring neighbourliness, as well as to other duties binding on the owner in accordance with the law or as is customary.

(8) Lawfully acquired wealth may not be confiscated. Lawfulness of acquirement shall be presumed.

(9) Any goods intended for, used, or resulting from criminal offences or misdemeanours may be confiscated only under the terms laid down by the law.

## ECONOMIC FREEDOM

### ARTICLE 45

Anyone's free access to an economic activity, free enterprise and the exercise of such rights in accord with the law shall be guaranteed.

## INHERITANCE RIGHT

### ARTICLE 46

The right of inheritance is guaranteed.

## STANDARD OF LIVING

### ARTICLE 47

(1) The State must take measures for the economic development and social protection such as to ensure a decent standard of living for its citizens..

(2) Citizens have the right to pensions, a paid leave for motherhood, medical care afforded in public health centres, unemployment insurance and other welfare measures

on a public or private scheme, as provided by law. Citizens also have the right to social assistance, according to the law.

## FAMILY

### ARTICLE 48

(1) The Family is founded on the freely consented marriage of the spouses, their full equality and on the parents' right and duty to ensure the upbringing, education and instruction of their children.

(2) The terms for entering into marriage, dissolution and annulment of marriage are established by law. Religious wedding may be celebrated only after civil marriage.

(3) Children born outside marriage are equal before the law with those born in wedlock.

## PROTECTION OF CHILDREN AND YOUNG PERSONS

### ARTICLE 49

(1) Children and young persons enjoy special protection and assistance in the pursuit of their rights.

(2) The State shall grant allowances for children, and aids for the care of ill or disabled children. Other forms of social protection for children and young persons are determined by law.

(3) Any exploitation of minors, their employment in activities that could be harmful to their health, or morals, or endanger their life and normal development are forbidden.

(4) Minors under the age of 15 years cannot be employed for any paid labour.

(5) The public authorities must contribute to ensuring the conditions towards the free participation of young persons in the political, social, economic, cultural, and sports life of the country.

## PROTECTION OF DISABLED PERSONS

### ARTICLE 50

Persons with disabilities enjoy special protection. The State must ensure the implementation of national policies for equal opportunities, prevention and treatment of a disability so that disabled persons can effectively participate in the life of the community, in keeping with the rights and duties of their parents or legal tutors.

## RIGHT TO PETITION

### ARTICLE 51

- (1) Citizens have the right to approach public authorities by petitions formulated only in the name of their signatories.
- (2) Lawfully established organizations have the right to forward petitions exclusively on behalf of the collective body they represent.
- (3) The exercise of the right of petition is fee-exempted.
- (4) Public authorities must give answer to petitions within the deadline and under the terms established by law.

## RIGHT OF A PERSON AGGRIEVED BY A PUBLIC AUTHORITY

### ARTICLE 52

- (1) Anyone aggrieved by a public authority in his rights or legitimate interests through an administrative act or failure to resolve his request within the time-limits established by law, is entitled to obtain the acknowledgement of his right thus claimed or legitimate interest, the invalidation of such act and reparations for the damage suffered.
- (2) The terms and limits on the exercise of that right are determined by an organic law.
- (3) The State is liable under the civil law to afford compensation for damages caused by a miscarriage of justice. The State liability is determined subject to the law and shall not eliminate fault liability of the magistrates who exercised their vested powers in ill-faith or gross negligence.

## RESTRICTION ON THE EXERCISE OF CERTAIN RIGHTS OR FREEDOMS

### ARTICLE 53

(1) The exercise of certain rights or freedoms may solely be restricted by law, and only if necessary, as the case may be: to defend national security, public order, health, or morals, the citizens' rights and freedoms; to conduct a criminal investigation; to prevent the consequences of a natural calamity, disaster, or extremely severe catastrophe.

(2) Such restriction may only be ordered if necessary in a democratic society. The measure must be proportional to the situation which has engendered it and applied in a non-discriminatory manner, without prejudice to the existence of the right or freedom in question.

### CHAPTER III

#### FUNDAMENTAL DUTIES

#### FAITHFULNESS TOWARDS THE COUNTRY

##### ARTICLE 54

(1) Faithfulness towards the country is sacred.

(2) Citizens entrusted with a public office as well as the military are answerable on account of failure to loyally fulfil the obligations assigned to them; they shall, for this purpose, take the oath as requested by law.

#### DEFENCE OF THE COUNTRY

##### ARTICLE 55

(1) Citizens have the right and a duty to defend Romania.

(2) The terms for doing the military service are determined by an organic law.

(3) Citizens may be conscripted from the age of 20 years up to the age of 35 years, volunteers excepted, under the terms of the organic law.

#### FINANCIAL CONTRIBUTIONS

##### ARTICLE 56

(1) Citizens have an obligation to contribute to public expenditure, through taxes and fees.

(2) The legal system of taxes must ensure a fair distribution of the tax burden.

(3) Any other dues are prohibited, except those determined subject to the law, for exceptional circumstances.

## EXERCISE OF RIGHTS AND FREEDOMS

### ARTICLE 57

All Romanian citizens, aliens and stateless persons must exercise their constitutional rights and freedoms in good faith, without encroaching on the rights and freedoms of others.

## CHAPTER IV

### THE ADVOCATE OF THE PEOPLE

#### APPOINTMENT AND ROLE

### ARTICLE 58

(1) The Advocate of the People is appointed for a term of office of 5 years, in order to defend individual rights and freedoms. The deputies of the Advocate of the People are specialized per fields of activity.

(2) The Advocate of the People and his deputies may not perform any other public or private office, except for professorial positions in higher education.

(3) The organisation and functioning of the Advocate of the People institution is determined by an organic law.

## EXERCISE OF POWERS

### ARTICLE 59

(1) The Advocate of the People shall exercise his powers ex officio or upon complaint by persons aggrieved in their rights and freedoms, within the boundaries established by law.

(2) Public authorities must render support to the Advocate of the People as may be necessary to exercise his powers.

## REPORT BEFORE PARLIAMENT

### ARTICLE 60

The Advocate of the People shall report before both Chambers of Parliament, on annual basis or upon request thereof. Such reports may contain recommendations on legislation or any other measures for the protection of the citizens' rights and freedoms.

## TITLE III

### PUBLIC AUTHORITIES

#### CHAPTER I

#### PARLIAMENT

#### SECTION 1

#### ORGANISATION AND FUNCTIONING

#### ROLE AND STRUCTURE

### ARTICLE 61

(1) Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country.

(2) Parliament consists of the Chamber of Deputies and the Senate.

#### ELECTION OF THE CHAMBERS

### ARTICLE 62

(1) The Chamber of Deputies and the Senate are elected by universal, equal, direct, secret, and free suffrage, in accordance with the election law.

(2) Organizations of citizens belonging to national minorities, which did not obtain the number of votes required for their parliamentary representation, are entitled to a Deputy seat, one for each, as determined by the election law. Citizens of one and the same national minority may be represented by one single organisation.

(3) The number of Deputies and Senators is established under the election law, in proportion to Romania's overall population.

## LENGTH OF OFFICE

### ARTICLE 63

(1) The Chamber of Deputies and the Senate are elected for a term of office of 4 years, and such will extend as of right in the event of mobilization, war, siege, or emergency, until the event has come to an end.

(2) Elections for the Chamber of Deputies and the Senate shall be held within 3 months from expiration of the term of office or Parliament dissolution.

(3) The newly elected Parliament meets upon calling by the President of Romania, within 20 days after elections.

(4) The Chambers' term of office will extend until the new Parliament has lawfully convened. It shall be not allowed to revise the Constitution, nor to enact, amend, or repeal organic laws all through this period.

(5) Bills or legislative proposals pending on the order of business of the preceding Parliament are continued to the new Parliament's session.

## ORGANISATIONAL STRUCTURE

### ARTICLE 64

(1) Each Chamber is organized and functions as set forth in its own Standing Orders. The Chambers' financial resources are provided for in the budgets approved by them.

(2) Each Chamber elects a Standing Bureau. The President of the Chamber of Deputies and the President of the Senate are elected for the duration of the Chambers' term of office. The other members of the Standing Bureau are elected at the opening of each session. Membership of the Standing Bureau may be withdrawn before expiration of the term of office.

(3) Deputies and Senators may constitute themselves into parliamentary groups, according to the Standing Orders of each Chamber.

(4) Each Chamber constitutes its standing Committees and may institute inquiry or other special committees. The Chambers may set up joint committees.

(5) The Standing Bureau and parliamentary Committees shall be made up so as to reflect the political spectrum of each Chamber.

## SITTINGS OF THE CHAMBERS

### ARTICLE 65

(1) The Chamber of Deputies and the Senate meet in separate sittings.

(2) Chambers can also meet in a joint session, based on the regulations passed by a majority vote of all Deputies and Senators, in order to:

- a) receive a message from the President of Romania;
- b) approve the State budget and the State social security budget;
- c) declare general or partial mobilization;
- d) declare a state of war;
- e) suspend or terminate armed hostilities;
- f) approve the national strategy of homeland defence;
- g) examine reports by the Supreme Council of National Defence;
- h) appoint the directors of intelligence services, on the proposal of the President of Romania, and to exercise oversight of the activity of these services;
- i) appoint the Advocate of the People;
- j) establish the legal status of Deputies and Senators, their emoluments and other rights;
- k) discharge other prerogatives which, in accordance with the Constitution or Standing Orders, are exercised in a joint session.

## SESSIONS

### ARTICLE 66



(1) The Chamber of Deputies and the Senate meet in two ordinary sessions in every year. The first session begins in February and cannot extend beyond the end of June. The second session begins in September and cannot extend beyond the end of December.

(2) The Chamber of Deputies and the Senate can also meet in extraordinary sessions, at the request of the President of Romania, the Standing Bureau of each Chamber, or at least one third of all Deputies or all Senators.

(3) Each Chamber is convened by its President.

## ACTS OF PARLIAMENT AND QUORUM

### ARTICLE 67

The Chamber of Deputies and the Senate pass laws, and carry resolutions or motions, in the presence of the majority of their members.

## PUBLIC SITTINGS

### ARTICLE 68

(1) The Chambers' sittings are public.

(2) The Chambers may decide that certain sittings be closed to the public.

## SECTION 2

## THE STATUS OF DEPUTIES AND SENATORS

### REPRESENTATIVE MANDATE

### ARTICLE 69

(1) In the exercise of their authority, Deputies and Senators are in the service of the people.

(2) Any compelling mandate shall be null and void.

## TERM OF OFFICE OF DEPUTIES AND SENATORS

### ARTICLE 70

(1) Deputies and Senators will enter on the exercise of their office upon the lawful convention of the Chamber whose members they are, provided that credentials are validated and the oath is taken. The form of oath is established by an organic law.

(2) The capacity as a Deputy or Senator ceases when the newly elected Chambers have lawfully convened, or in case of resignation, disenfranchisement, incompatibility, or death.

## INCOMPATIBILITIES

### ARTICLE 71

(1) No one may be a Deputy and a Senator at one and the same time.

(2) The capacity to sit as a Deputy or Senator is incompatible with the exercise of any public office in authority, except that of a Member of the Government.

(3) Other incompatibilities are established by an organic law.

## PARLIAMENTARY IMMUNITY

### ARTICLE 72

(1) No Deputy or Senator shall be held legally responsible for any vote cast or political opinion expressed in the exercise of his office.

(2) Deputies and Senators may be object to criminal prosecution or sent to trial for actions which are not related with votes or political opinions expressed in the exercise of their office, but they shall not be searched, detained or arrested without consent from the Chamber whose members they are, after being duly heard. Prosecution and indictment may only be carried out by the Prosecution Office attached to the High Court of Cassation and Justice. Jurisdiction shall rest in the High Court of Cassation and Justice.

(3) In case of a crime committed in flagrante delicto, a Deputy or a Senator may be taken into temporary custody and searched. The Ministry of Justice shall forthwith inform the President of the Chamber on such custody and search. Where the Chamber concerned finds no reasons for detainment, it shall order that the measure be cancelled out at once.

**SECTION 3**  
**LEGISLATION AND PROCEDURE**  
**CLASSES OF LAWS**  
**ARTICLE 73**

- (1) Parliament enacts constitutional, organic, and ordinary laws.
- (2) Constitutional laws shall be those pertaining to a revision of the Constitution.
- (3) By organic laws it shall be regulated:
  - a) the electoral system; organisation and functioning of the Permanent Election Authority;
  - b) organisation, functioning, and financing of political parties;
  - c) the status of Deputies and Senators, their emoluments and other rights;
  - d) organisation and holding of a referendum;
  - e) organisation of the Government and of the Supreme Council of National Defence;
  - f) the state of partial or total mobilization of the armed forces and the state of war;
  - g) the state of siege and emergency;
  - h) criminal offences, punishments and execution of the punishments;
  - i) granting of amnesty or collective pardon;
  - j) the status of civil servants;
  - k) judicial review of administrative action;
  - l) organisation and functioning of the Superior Council of Magistracy, the courts of law, the Public Ministry, and the Court of Audit;
  - m) the general legal status of property and inheritance;

- n) general organisation of the education system;
- o) organisation of local public administration, territory, as well as general rules on local autonomy;
- p) general rules on labour relations, trade unions, employers' associations, and social protection;
- r) the status of national minorities in Romania;
- s) general statutory rules of religious cults;
- t) other fields for which the Constitution sets forth the enactment of organic laws.

## LEGISLATIVE INITIATIVE

### ARTICLE 74

(1) An initiative for passing legislation shall lie, as the case may be, with the Government, Deputies, Senators, or at least 100,000 citizens holding the right to vote. The citizens who put into action their right to initiate legislation must belong to at least one quarter of the Country's counties, while, in each of those counties or in the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative.

(2) A citizens' legislative initiative may not touch on matters concerning taxation, international affairs, amnesty or pardon.

(3) The Government shall exercise its legislative initiative by introducing bills to the Chamber which is competent for approval, this one being the primary Chamber referred to.

(4) Deputies, Senators and citizens exercising the right of legislative initiative may move proposals only in the form required for a bill.

(5) Legislative proposals shall be first submitted for debate to the Chamber which is competent for approval, as the primary Chamber referred to.

## REFERRAL TO THE CHAMBERS

## ARTICLE 75

(1) The Chamber of Deputies, as the primary Chamber which is referred to, shall take up for debate and approval any bill or legislative proposal on ratification of treaties or other international agreements and on legislative measures as may arise from the implementation of such treaties and agreements, as well as bills for the organic laws provided under Article 31 paragraph (5), Article 40 paragraph (3), Article 55 paragraph (2), Article 58 paragraph (3), Article 73 paragraph (3) subparagraphs e), k), l), n), o), Article 79 paragraph (2), Article 102 paragraph (3), Article 105 paragraph (2), Article 117 paragraph (3), Article 118 paragraphs (2) and (3), Article 120 paragraph (2), Article 126 paragraphs (4) and (5), and Article 142 paragraph (5). Any other bills or legislative proposals shall be submitted for debate and approval to the Senate, as the primary Chamber which is referred to.

(2) The primary Chamber thus referred shall decide within 45 days. Where codes and other particularly complex laws are entertained, the time-limit is 60 days. In case such limits are surpassed, bills or legislative proposals shall be deemed as having been passed.

(3) Once a bill or legislative proposal is passed by the primary Chamber which has been referred to, the same is sent to the other Chamber whose decision shall be final.

(4) Should the primary Chamber adopt some provision which falls under its competency of decision as defined subject to paragraph (1), the provision shall be finally passed only if the other Chamber gives consent. The bill shall otherwise be returned, in respect of that provision alone, to the primary Chamber, and that one shall finally decide in an urgency procedure.

(5) The provisions under paragraph (4) concerning return of a bill shall also apply accordingly if the next deciding Chamber should adopt some provision in whose respect the competency to decide is vested in the primary Chamber.

## PASSING OF BILLS AND RESOLUTIONS

### ARTICLE 76

(1) Organic laws and resolutions concerning the Standing Orders of each Chamber shall be passed by a majority vote of its members.

(2) Ordinary laws and resolutions shall be passed by a majority vote of the members present in each Chamber.

(3) At the request of the Government or on its own motion, Parliament may pass bills or legislative proposals in an urgency procedure, established in accordance with the Standing Orders of each Chamber.

## PROMULGATION OF LAWS

### ARTICLE 77

(1) Any law shall be forwarded for promulgation to the President of Romania. Promulgation shall be given within 20 days from receipt of the law.

(2) Before signing in, the President of Romania may return a law to Parliament for reconsideration, and he may do so only once.

(3) Where the President may have requested reconsideration of a law or where such may have been subjected to a constitutionality review, promulgation shall follow within 10 days from receipt of the law as is passed after reconsideration, or from receipt of the decision ruled by the Constitutional Court acknowledging its constitutionality.

## COMING INTO FORCE OF LAWS

### ARTICLE 78

The law shall be published in the Official Gazette of Romania; it shall take effect on the third day after the date of publication or at a later instant as is specified therein.

## LEGISLATIVE COUNCIL

### ARTICLE 79

(1) The Legislative Council is a specialized consultative organ of Parliament that gives advice on draft normative acts with a view to the systematic unification and coordination of the whole body of laws. It shall keep the official record of Romania's legislation.

(2) The setting up, organisation and functioning of the Legislative Council shall be established by an organic law.

## CHAPTER II: THE PRESIDENT OF ROMANIA

## ARTICLE 80: ROLE OF THE PRESIDENT

(1) The President of Romania shall represent the Romanian State and safeguard the independence of the nation, the unity and territorial integrity of the country.

(2) The President of Romania shall watch the observance of the Constitution and the proper functioning of the public authorities. To this effect, he shall act as a mediator between State Powers as well as between the State and society.

## ARTICLE 81: ELECTION OF THE PRESIDENT

(1) The President of Romania shall be elected by universal, equal, direct, secret and free suffrage.

(2) The candidate who, in the first ballot, obtains the majority of votes of electors enrolled on the electoral registers shall be declared successfully elected.

(3) If none of the candidates obtains such majority, a second ballot shall be held between the first two candidates highest in the order of the numbers of votes cast for them in the first ballot. The candidate having the greatest number of votes shall be declared elected.

(4) No one may hold the office of President of Romania but two terms at the most, and these may also follow one after the other.

## ARTICLE 82: VALIDATION OF MANDATE AND OATH-TAKING

(1) The election returns for the office of President of Romania shall be validated by the Constitutional Court.

(2) The candidate whose election is validated shall take before the Chamber of Deputies and the Senate, in a joint session, the following oath:

“I solemnly swear to dedicate all strength and the best of my abilities for the spiritual and material welfare of the Romanian people, to abide by the Constitution and laws of this Country, to defend democracy, the fundamental rights and freedoms of my fellow-citizens, Romania's sovereignty, independence, unity and territorial integrity. So help me God”!

### ARTICLE 83: TERM OF OFFICE

(1) The term of office of President of Romania is 5 years, and shall be exercised from the date the oath was taken.

(2) The President of Romania shall hold office until the new President-elect takes the oath.

(3) The term of office of the President of Romania may be prolonged, by an organic law, in the event of war or catastrophe.

### ARTICLE 84: INCOMPATIBILITIES AND IMMUNITIES

(1) During his term of office, the President of Romania may not be a member of any political party, nor may he perform any other public or private office.

(2) The President of Romania enjoys immunity. The provisions of Article 72 paragraph (1) shall apply accordingly.

### ARTICLE 85: APPOINTMENT OF THE GOVERNMENT

(1) The President of Romania designates a candidate to the office of Prime Minister and appoints the Government based on the Parliament's vote of confidence.

(2) In the event of government reshuffle or vacancy of office, the President dismisses and appoints, at the proposal of the Prime Minister, some Members of the Government.

(3) If, through the reshuffle proposal, the political structure or composition of the Government is due to change, the President of Romania may only exercise the power stipulated under paragraph (2) based on the Parliament's approval granted on the Prime Minister's proposal.

### ARTICLE 86: CONSULTATION WITH THE GOVERNMENT

The President of Romania may consult with the Government on the subject of urgent, extremely important matters.

### ARTICLE 87: PARTICIPATION IN MEETINGS OF THE GOVERNMENT



(1) The President of Romania may take part in meetings of the Government where it discusses matters of national interest with regard to foreign policy, defence of the country, or ensurance of public order as well as in other instances, at the request of the Prime Minister.

(2) The President of Romania shall chair over the Government meetings in which he participates.

#### **ARTICLE 88: MESSAGES**

The President of Romania may address messages to Parliament with regard to major political issues for the Nation..

#### **ARTICLE 89: DISSOLUTION OF PARLIAMENT**

(1) After consultation with the Presidents of both Chambers and with the leaders of parliamentary groups, the President of Romania may dissolve Parliament where no vote of confidence to form the Government has been obtained within 60 days after the first request, and only after rejection of at least two requests for investiture.

(2) During the same year, Parliament may be dissolved only once.

(3) Parliament cannot be dissolved during the last six months of the term of office of the President of Romania, or during a state of mobilization, war, siege, or emergency.

#### **ARTICLE 90: REFERENDUM**

The President of Romania may, after consultation with Parliament, ask the people of Romania to express their will as to questions of national interest, by a referendum.

#### **ARTICLE 91: POWERS IN MATTERS OF FOREIGN POLICY**

(1) The President concludes, in the name and on behalf of Romania, international treaties negotiated by the Government, which he then submits to Parliament within a reasonable time, for ratification. The other treaties and international agreements shall be concluded, approved or ratified according to the procedure established by law.

(2) The President, at the proposal of the Government, accredits and recalls diplomatic envoys of Romania and approves the setting up, closing down or change in rank of diplomatic missions.

(3) Diplomatic envoys of other states shall be accredited to the President of Romania.

#### **ARTICLE 92: POWERS IN MATTERS OF DEFENCE**

(1) The President of Romania is the Commander-in-Chief of the Armed Forces and the head of the Supreme Council of National Defence.

(2) He may declare, with prior approval by Parliament, partial or general mobilization of the Armed Forces. In exceptional cases only, the President may submit his decision to Parliament for subsequent approval, but no later than 5 days after such decision has been made.

(3) In the event of an armed aggression against the country, the President of Romania shall take measures to repel the aggression, and he shall promptly inform Parliament about that, by a message. If Parliament does not sit in a session, it shall be convened as of right within 24 hours from the outbreak of the aggression.

(4) In the event of mobilization or war, Parliament shall pursue its activity throughout the length of such states, and, if not in session already, it shall be convened as of right within 24 hours after such a state has been declared.

#### **ARTICLE 93: EMERGENCY MEASURES**

(1) The President of Romania shall, according to the law, institute the state of siege or the state of emergency in all the country or in some territorial-administrative entities, and ask for the Parliament's approval of such measure within 5 days after that decision.

(2) If Parliament does not sit in a session, it shall be convened as of right within 48 hours from the institution of a state of siege or a state of emergency, and shall function throughout this state.

#### **ARTICLE 94: OTHER POWERS**

The President of Romania shall also have the following powers:

- a) to award decorations and titles of honour;
- b) to make promotions to the ranks of marshal, general and admiral;
- c) to make appointments to public offices, under the terms of the law;
- d) to grant individual pardon.

#### **ARTICLE 95: SUSPENSION FROM OFFICE**

(1) In case the President of Romania has committed a serious offence in violation of the Constitution, he may be suspended from office by the Chamber of Deputies and the Senate, in a joint session, by a majority vote of Deputies and Senators, and after seeking opinion from the Constitutional Court. The President can give explanations before Parliament with regard to imputations brought against him.

(2) The proposal of suspension from office may be initiated by at least one third of the number of Deputies and Senators, and the President shall be immediately notified.

(3) If the proposal of suspension from office has been approved, a referendum shall be held within 30 days for removing the President from office.

#### **ARTICLE 96: IMPEACHMENT**

(1) The Chamber of Deputies and the Senate may, in a joint session, decide on the impeachment of the President of Romania for high treason, with the vote of at least two-thirds of the number of Deputies and Senators.

(2) The impeachment proposal may be initiated by a majority of Deputies and Senators and shall, without further delay, be notified to the President of Romania so that he can give explanations about the facts he is being held accountable for.

(3) From the date of impeachment up to his removal from office, the President shall be suspended as of right. suspension.

(4) Jurisdiction for trial belongs to the High Court of Cassation and Justice. The President shall be dismissed as of right on the date the court decision passing conviction is final.

### **ARTICLE 97: VACANCY OF OFFICE**

(1) Vacancy of the office of President of Romania shall occur upon resignation, removal from office, permanent impossibility to discharge his powers, or death.

(2) Within 3 months after the office of President of Romania falls vacant, the Government shall organize elections for a new President.

### **ARTICLE 98: INTERIM OF OFFICE**

(1) If the Presidential office falls vacant, or the President is suspended from office or temporarily unable to exercise his powers, the interim shall devolve, in this order, on the President of the Senate or the President of the Chamber of Deputies.

(2) Powers provided for under Articles 88-90 may not be exercised throughout the interim of the Presidential office.

### **ARTICLE 99: RESPONSIBILITY OF ACTING PRESIDENT**

If the person acting as President of Romania has committed a serious offence in violation of the Constitution, Articles 95 and 98 shall apply accordingly.

### **ARTICLE 100: ACTS OF THE PRESIDENT**

(1) In the exercise of his powers, the President of Romania issues decrees that shall be published in the Official Gazette of Romania. Failure to publish any of the decrees causes such to be non-existent.

(2) The decrees issued by the President of Romania in the exercise of his powers provided under Article 91 paragraphs (1) and (2), Article 92 paragraphs (2) and (3), Article 93 paragraph (1), and Article 94 subparagraphs a), b) and d) shall be countersigned by the Prime Minister.

### **ARTICLE 101: COMPENSATION AND OTHER RIGHTS**

The compensation and other rights of the President of Romania shall be established by law.

## **CHAPTER III: THE GOVERNMENT**

## ARTICLE 102: ROLE AND STRUCTURE

(1) The Government shall, in accordance with its governing programme accepted by Parliament, ensure the implementation of domestic and foreign policy, and exercise the general management of public administration.

(2) In the exercise of its powers, the Government shall co-operate with the social bodies concerned.

((3) The Government consists of the Prime Minister, Ministers, and other Members established by an organic law.

## ARTICLE 103: INVESTITURE

(1) The President of Romania shall designate a candidate to the office of Prime Minister, following his consultation with the party which has obtained absolute parliamentary majority, or - where no such majority exists - with the parties represented in Parliament.

(2) The candidate to the office of Prime Minister shall, within 10 days from designation, seek the Parliament's vote of confidence on the programme and complete list of the Government.

(3) The programme and list of the Government shall be taken up for debate by the Chamber of Deputies and Senate, in a joint session. Parliament grants its confidence in the Government by a majority vote of Deputies and Senators.

## ARTICLE 104: OATH OF ALLEGIANCE

(1) The Prime Minister, the Ministers, and the other Members of the Government shall individually take an oath before the President of Romania, as provided under Article 82.

(2) The Government as a whole and each of its Members shall exercise their mandate from the date of taking the oath.

## ARTICLE 105: INCOMPATIBILITIES

(1) Membership of the Government is incompatible with the exercise of any other public office in authority, except the office of a Deputy or a Senator. Likewise, it shall be

incompatible with the exercise of any office of professional representation paid on the roll of business organizations.

(2) Other incompatibilities shall be established by an organic law.

#### **ARTICLE 106: CESSATION OF MEMBERSHIP IN THE GOVERNMENT**

Membership of the Government shall cease upon resignation, removal from office, disenfranchisement, incompatibility, death, or in any other cases provided by law.

#### **ARTICLE 107: THE PRIME MINISTER**

(1) The Prime Minister heads the Government and coordinates the activity of its Members, while observing the powers incumbent on them. Likewise, he submits reports and statements concerning Government policies to the Chamber of Deputies or the Senate, and such shall be taken for debate as a priority.

(2) The President of Romania cannot remove the Prime Minister from office.

(3) Should the Prime Minister find himself in any of the situations stipulated under Article 106, except removal from office, or where he is unable to exercise his powers, the President of Romania shall designate another Member of the Government as interim Prime Minister, to discharge the Prime Minister's powers up to the formation of a new Government. The interim during the Prime Minister's impossibility to exercise powers shall cease if the Prime Minister resumes his activity in the Government.

(4) Provisions under paragraph (3) shall apply accordingly to the other Members of the Government, at the proposal of the Prime Minister, for a period of 45 days at the most.

#### **ARTICLE 108: ACTS OF THE GOVERNMENT**

(1) The Government adopts Decisions and Ordinances.

(2) Decisions are issued for the organisation of enforcement of laws.

(3) Ordinances are issued under a special law for delegated powers, inside the limits and under the terms provided therein.

(4) Decisions and ordinances issued by the Government are signed by the Prime Minister, countersigned by the Ministers who must see to their implementation, and shall be published in the Official Gazette of Romania. Failure to publish any of the decisions or ordinances causes such to be non-existent. Decisions of a military character are passed on only to the institutions concerned.

#### **ARTICLE 109: LIABILITY OF MEMBERS OF THE GOVERNMENT**

(1) The Government is politically answerable for its entire activity only before Parliament. Each Member of the Government is politically and jointly answerable with the others for the activity and Acts of the Government.

(2) Solely the Chamber of Deputies, the Senate, and the President of Romania have the right to demand criminal prosecution be taken against Members of the Government for acts committed in the exercise of their office. Where criminal proceedings have been requested, the President of Romania may decree suspension from office. Indictment of a Member of the Government will result in his suspension from office. Jurisdiction for trial belongs to the High Court of Cassation and Justice.

(3) Cases of responsibility and applicable penalties for a Member of the Government shall be established under a Law on Ministerial responsibility.

#### **ARTICLE 110: CESSATION OF THE TERM OF OFFICE**

(1) The Government exercises office up to validation of the general elections for Parliament.

(2) The Government is dismissed on the date when Parliament has withdrawn the confidence granted, or should the Prime Minister find himself in any of the situations provided under Article 106, except removal from office, or be unable to exercise powers for more than 45 days.

(3) In situations such as those stipulated under paragraph (2), provisions of Article 103 shall apply accordingly.

(4) The outgoing Government whose term of office has ceased in accordance with paragraphs (1) and (2) shall continue to fulfil only the activities required to ensure the

administration of public business, until the Members of the new Government take the oath.

#### **CHAPTER IV: RELATIONS BETWEEN PARLIAMENT AND GOVERNMENT**

##### **ARTICLE 111: INFORMATION TO PARLIAMENT**

(1) The Government and the other organs of public administration must, in the framework of parliamentary control of their activity, supply any information and document as may have been requested by the Chamber of Deputies, the Senate, or parliamentary Committees through their respective Presidents. Where a legislative initiative may implicate the amendment of provisions in the State budget or the State social security budget, it shall be compulsory to request such information.

(2) Members of the Government are entitled to attend proceedings of Parliament. Where they are requested to be present, participation is obligatory.

##### **ARTICLE 112: QUESTIONS, INTERPELLATIONS, AND SIMPLE MOTIONS**

(1) The Government and each of its Members are subject to the obligation to answer the questions or interpellations raised by Deputies or Senators, as prescribed by the Standing Orders of the Chambers of Parliament.

(2) The Chamber of Deputies or the Senate may carry a simple motion expressing their position as to a matter of domestic or foreign policy or, as the case may be, a matter which was the object of interpellation.

##### **ARTICLE 113: MOTIONS OF CENSURE**

(1) The Chamber of Deputies and the Senate may, in a joint session, withdraw confidence granted to the Government, through a motion of censure carried by a majority vote of Deputies and Senators.

(2) A motion of censure may be moved by at least one fourth of the total number of Deputies and Senators, and shall be notified to the Government upon its tabling.

(3) The motion of censure shall be taken up for debate on the third day after its reading in the joint session of the Chambers.



(4) If the motion of censure is rejected, Deputies and Senators who were its signatories cannot table another one during the same session, except where the Government assumes responsibility in conformity with Article 114.

#### **ARTICLE 114: ASSUMING RESPONSIBILITY BY THE GOVERNMENT**

(1) The Government can assume its responsibility before the Chamber of Deputies and the Senate, in a joint session, with respect to a programme, statement of general policy, or bill.

(2) The Government shall be dismissed if a motion of censure, tabled within three days after presentation of the programme, statement of general policy or bill, is passed in accordance with Article 113.

(3) Unless the Government is dismissed in accordance with paragraph (2), the bill presented, be it modified or supplemented with the amendments consented by the Government, is deemed to have been passed, while the implementation of the programme or statement of general policy becomes binding on the Government.

(4) In case that the President of Romania demands reconsideration of the law passed according to paragraph (3), its debate shall be carried in a joint session of the Chambers.

#### **ARTICLE 115: LEGISLATIVE DELEGATION**

(1) Parliament can pass special laws under which the Government is delegated powers to issue ordinances in matters which fall outside the object of organic laws.

(2) Delegating laws must expressly specify the subject area and time-limit for issuing ordinances.

(3) If the Act on delegated powers so requests, ordinances shall be submitted to Parliament for approval as is required by legislative procedures, however not later than prescribed by the time-limits of delegation. Failure to observe such limits will discontinue all effects of the ordinance in question.

(4) The Government may adopt urgency ordinances solely in exceptional cases which call for regulations without delay, and must set forth the reasons for that urgency in their very content.

(5) Urgency ordinances shall only take effects after their tabling for debate in the Chamber which is competent to be referred to, in an urgency procedure, and after publication in the Official Gazette of Romania. If not in session, the Chambers shall be convened within 5 days after tabling or, as the case may be, after forwarding. Where the Chamber thus referred has failed, within 30 days of the tabling date, to decide on that ordinance, such shall be deemed as having been approved and shall be sent to the other Chamber which shall likewise decide in an urgency procedure. An urgency ordinance which comprises norms pertaining to the rank of organic laws must be approved by a majority as is stipulated under Article 76 paragraph (1).

(6) Urgency ordinances cannot be adopted in fields pertaining to constitutional laws, nor may these affect the status of the State fundamental institutions or any of the rights, freedoms and duties set forth in the Constitution, the electoral rights, or envisage any measures for the forcible transfer of assets into public property.

(7) Ordinances referred to Parliament are approved or rejected through a law that shall include the ordinances which ceased to be effective according to paragraph (3).

(8) Such law on approval or rejection shall regulate, where applicable, any necessary measure concerning the legal effects engendered during the effective time of the ordinance in question.

## **CHAPTER V: PUBLIC ADMINISTRATION**

### **SECTION 1: SPECIALIZED CENTRAL PUBLIC ADMINISTRATION**

#### **ARTICLE 116: STRUCTURE**

(1) Ministries are organised only in the Government subordination.

(2) Other specialized bodies may be organised in subordination to Government or its Ministries, or as autonomous administrative authorities.

#### **ARTICLE 117: ESTABLISHMENT**

(1) The setting up, organisation and functioning of the Ministries is subject to the law.

(2) The Government and its Ministries may, on the authorization by the Court of Audit, establish specialized bodies in their subordination, but only where such competence is acknowledged to them under the law.

(3) Autonomous administrative authorities may be established by an organic law.

#### **ARTICLE 118: THE ARMED FORCES**

(1) The Army shall be subordinated exclusively to the will of the people for guaranteeing the State sovereignty, independence and unity, the territorial integrity of the country, and constitutional democracy. Subject to the law and under the terms of international treaties to which Romania is a party, the Army shall contribute to collective defence arrangements within the systems of military alliance, and participate in peace-keeping or restoring missions.

(2) The structure of the national defence system, the preparation of population, economy and territory for defence purposes, as well as the status of the military shall be regulated by an organic law.

(3) The provisions of paragraphs (1) and (2) shall apply accordingly to the other components of the Armed Forces established by law.

(4) The organisation of military or paramilitary activities outside a State authority is forbidden.

(5) Foreign troops shall be allowed to enter, to be stationed, to carry out operations, or to cross the Romanian territory solely under the terms of the law or international treaties to which Romania is a party.

#### **ARTICLE 119: SUPREME COUNCIL FOR NATIONAL DEFENCE**

The Supreme Council for National Defence shall provide for the organisation and unitary coordination of activities concerning defence of the country and national security, participation in maintaining international security and in collective defence arrangements within the systems of military alliance, as well as in peace-keeping or restoring missions.

## SECTION 2: LOCAL PUBLIC ADMINISTRATION

### ARTICLE 120: BASIC PRINCIPLES

(1) The public administration in territorial-administrative entities is based on the principles of decentralization, local autonomy and diffusion of the public service.

(2) In territorial-administrative entities where citizens belonging to a national minority have a significant weight, the use of that national minority's language in both speech and writing shall be ensured in relations with the authorities of local public administration and with decentralised public services, under the terms provided by an organic law.

### ARTICLE 121: PARISH AND MUNICIPAL AUTHORITIES

(1) The public administration authorities, which put into effect local autonomy in parishes and towns, shall be the Local Councils and the Mayors elected in accordance with the law.

(2) The local councils and mayors shall, under the conditions prescribed by law, operate as autonomous administrative authorities and manage public affairs in parishes and towns.

(3) Authorities under paragraph (1) may also be constituted in the territorial-administrative subdivisions of municipalities.

### ARTICLE 122: COUNTY COUNCIL

(1) A County Council is the public administration authority responsible for coordinating activities carried out by parish and town councils, in order to provide for any public services of interest for that same county.

(2) The county council is elected and functions in accordance with the law.

### ARTICLE 123: THE PREFECT

(1) The Government appoints a Prefect in each of the counties and in the Municipality of Bucharest.

(2) The prefect is the local representative of the Government and shall direct the activity of the diffuse public services belonging to ministries and other central administration bodies at the level of territorial-administrative entities.

(3) The prefect's attributions are established by an organic law.

(4) Between prefects, on the one hand, local councils and mayors, county councils and their presidents, on the other hand, there shall be no relations of subordination.

(5) The prefect may contest before the administrative court any decision of the county council, of a local council or a mayor where such is deemed to be unlawful. The decision challenged is suspended as of right.

## CHAPTER VI: JUDICIAL AUTHORITY

### SECTION 1: COURTS OF LAW

#### ARTICLE 124: ADMINISTRATION OF JUSTICE

(1) Justice shall be rendered in the name of the law.

(2) Justice shall be a single one, impartial and equal for all.

(3) Judges are independent and they subject only to the law.

#### ARTICLE 125: STATUS OF JUDGES

((1) Judges appointed by the President of Romania are irremovable, according to the law.

(2) Proposals for appointment, and the promotion, transfer, or sanctions applied to judges shall be within the competence of the Superior Council of Magistracy, as provided by its own organic law.

(3) The office of a judge is incompatible with any other public or private office, except that of an academic professorial activity.

#### ARTICLE 126: COURTS OF LAW

(1) Justice shall be meted out by the High Court of Cassation and Justice, and by the other courts set up under the law.

(2) Jurisdiction of the courts and the conduct of trial proceedings are determined only by the law.

(3) The High Court of Cassation and Justice ensures the uniform interpretation and application of the laws by all other courts, according to its competence.

(4) The composition of the High Court of Cassation and Justice, and regulations as to its functioning are laid down by an organic law.

(5) The setting up of extraordinary courts shall be prohibited. Specialized courts may be established by an organic law to deal with certain subject matters, also allowing panels to include, as the case may be, lay judges from outside the professional magistracy.

(6) Judicial review of public authorities' administrative action shall be guaranteed via courts for administrative disputes, cases concerning relationships with Parliament or acts of military command being exempted. The courts hearing administrative disputes shall have jurisdiction to resolve applications filed by persons aggrieved by ordinances or, as the case may be, provisions in ordinances declared unconstitutional.

#### **ARTICLE 127: PUBLIC HEARINGS**

Court hearings shall be public, except in cases provided by law.

#### **ARTICLE 128: USE OF MOTHER TONGUE AND INTERPRETERS IN COURTS OF LAW**

(1) Judicial proceedings shall be conducted in Romanian.

((2) Romanian citizens belonging to national minorities have the right to express before the courts by using their mother tongue, under the terms specified by an organic law.

(3) The exercise of the right provided under paragraph (2), which includes the use of interpreters or translations, shall be determined in such manner so that it neither impedes the proper administration of justice, nor incurs additional expenses for those who may be concerned.

(4) Aliens and stateless persons who cannot understand or speak Romanian shall have the right to take cognizance of all file papers and proceedings, to speak in court and to submit pleas by means of an interpreter; in criminal trials, this right is ensured free of charge.

#### **ARTICLE 129: USE OF REMEDIES**

Judicial decisions may be appealed against by the parties concerned and by the Public Ministry, subject to the law.

#### **ARTICLE 130: POLICE IN THE COURTS**

The courts of law shall have police assigned at their disposal.

#### **SECTION 2: THE PUBLIC MINISTRY**

##### **ARTICLE 131: ROLE OF THE PUBLIC MINISTRY**

(1) Within judicial activities, the Public Ministry shall represent the general interests of society and it shall defend the legal order, as well as the citizens' rights and freedoms.

(2) The Public Ministry shall exercise its attributions through public prosecutors constituted into prosecution offices, subject to the law.

(3) Prosecution offices attached to the courts shall direct and supervise the criminal investigation activity effectuated by police, subject to the law.

##### **ARTICLE 132: STATUS OF THE PUBLIC PROSECUTOR**

(1) Public prosecutors shall carry out their activity in accordance with the principle of legality, impartiality and hierarchical control, under the authority of the Minister of Justice.

(2) The office of a public prosecutor is incompatible with any other public or private office, except that of an academic professorial activity.

#### **SECTION 3: THE SUPERIOR COUNCIL OF MAGISTRACY**

##### **ARTICLE 133: ROLE AND STRUCTURE**

(1) The Superior Council of Magistracy shall guarantee the independence of the judiciary.

(2) The Superior Council of Magistracy consists of 19 members, of whom:

a) 14 are elected in magistrates' general meetings, and validated by the Senate; they shall belong to two sections, one for judges, another one for public prosecutors; the former comprises 9 judges, and the latter, 5 public prosecutors;

b) 2 representatives of civil society, specialists in the legal field, who enjoy high professional and moral reputation, are elected by the Senate; these shall only participate in plenary proceedings;

c) the Minister of Justice, the President of the High Court of Cassation and Justice, and the General Prosecutor of the Prosecution Office attached to the High Court of Cassation and Justice.

(3) The President of the Superior Council of Magistracy shall be elected for a non-renewable term of office of one year, from among the magistrates listed under paragraph (2) subparagraph a).

(4) The length of office for membership of the Superior Council of Magistracy shall be 6 years.

(5) The Superior Council of Magistracy renders decisions by a secret vote.

(6) The President of Romania chairs the sessions of the Superior Council of Magistracy where he takes part.

(7) Decisions ruled by the Superior Council of Magistracy shall be final and irrevocable, except for those stipulated under Article 134 paragraph (2).

#### **ARTICLE 134: POWERS**

(1) The Superior Council of Magistracy submits proposals to the President of Romania for the appointment of judges and public prosecutors, juniors excepted, according to the law.



(2) The Superior Council of Magistracy is competent, through its sections, to sit in judgment on disciplinary proceedings against judges and public prosecutors, subject to its own organic law. The Minister of Justice, the President of the High Court of Cassation and Justice, and the General Prosecutor of the Prosecution Office attached to the High Court of Cassation and Justice shall have no vote in like instances.

(3) Decisions ruled by the Superior Council of Magistracy in disciplinary proceedings may be appealed against at the High Court of Cassation and Justice.

(4) The Superior Council of Magistracy shall also discharge other powers as determined under its own organic law, in accomplishing its role as a guarantor for the independence of the judiciary.

## TITLE IV: ECONOMY AND PUBLIC FINANCES

### ARTICLE 135: ECONOMY

(1) Romania's economy is a market economy based on free enterprise and competition.

(2) The State must provide for:

a) free trade, protection of fair competition of businesses, the creation of favourable conditions in order to stimulate and value every factor of production;

b) protection of national interests in economic, financial and currency-related activities;

c) stimulation of national scientific and technological research, the arts, and the legal protection for copyright;

d) exploitation of natural resources in conformity with national interests;

e) environmental protection and recovery, and preservation of a well balanced environment;

f) creation of all necessary conditions so as to increase the quality of life;

g) implementation of regional development policies in compliance with the objectives of the European Union.

## ARTICLE 136: PROPERTY

(1) Property may be public or private.

(2) Public property is guaranteed and protected by law, and belongs to the State or territorial-administrative entities.

(3) Mineral resources of public interest in the subsoil, the airspace, waters with an energy potential which may be utilised for purposes of national interest, beaches, the territorial sea, natural resources in the economic zone and continental shelf, as well as other wealth established by the organic law, shall be exclusive part of the public property.

(4) Public property shall be inalienable. Subject to the organic law, assets under public property may be handed over into the management of autonomous *régies* or public institutions, or may form the object of grant or lease; likewise, such may be given into free usage by institutions of public utility.

(5) Private property is inviolable, under the terms prescribed by an organic law.

## ARTICLE 137: FINANCIAL SYSTEM

(1) The formation, administration, use and monitoring of financial resources belonging to the State, territorial-administrative entities, or public institutions shall be determined by law.

(2) National currency is the *Lei*, with their subdivision, the *Bani*. Under the terms of Romania's accession to the European Union, national currency circulation and replacement by that of the European Union may be acknowledged by an organic law.

## ARTICLE 138: NATIONAL PUBLIC BUDGET

(1) The National Public Budget comprises the State budget, the State social security budget, and the local budgets of parishes, towns, and counties.

(2) The Government prepares the drafts for the State budget and for the State social security budget on annual basis, and such are singly submitted to Parliament for approval.

(3) If the Law on State budget and the Law on State social security budget have not yet been passed 3 days before expiration of the budgetary year, the previous year's State budget and State social security budget shall continue to be applicable until approval of new budgets.

(4) Preparation, approval, and implementation of the local budgets shall be as prescribed by law.

(5) No budgetary expenditure may be approved without establishing its financing sources.

### **ARTICLE 139: TAXES, DUTIES, AND OTHER CONTRIBUTIONS**

(1) Taxes, duties, or any other revenue of the State budget and the State social security budget shall only be imposed under the law.

(2) Local taxes and duties shall be established by the local or county councils, while observing the limits and the terms prescribed by the law.

(3) Any financial contributions intended for making up certain funds shall be used, according to the law, for their purported destination alone.

### **ARTICLE 140: THE COURT OF AUDIT**

(1) The Court of Audit monitors the formation, administration, and use of financial resources belonging to the State and to the public sector. Any disputes arising from the activity of the Court of Audit shall be settled by specialized courts of law, under the terms established by the organic law.

(2) The Court of Audit presents its annual report to Parliament, on the administration of accounts in the National Public Budget during lapsed budgetary year, and such will include the cases of mismanagement.

(3) At the request of the Chamber of Deputies or the Senate, the Court of Audit shall review the management of public resources, and give a report on its findings.

(4) Audit advisers are appointed by Parliament for a term of office of 9 years, which cannot be extended or renewed. Members of the Court of Audit shall be independent in

the exercise of their term of office and irremovable throughout its duration. They are subject to incompatibilities as may be prescribed for judges under the law.

(5) Every 3 years, the Court of Audit shall be subject to renewal with one third of the audit advisers appointed by Parliament, under the terms laid down in the Court's organic law.

(6) Parliament is entitled to remove members of the Court of Audit from office, in the instances and under the terms established by law.

#### ARTICLE 141: THE ECONOMIC AND SOCIAL COUNCIL

The Economic and Social Council is an advisory body to Parliament and Government, for the specialized areas determined by an organic law relative to its establishment, organisation, and functioning.

### TITLE V: THE CONSTITUTIONAL COURT

#### ARTICLE 142: STRUCTURE

(1) The Constitutional Court shall be the guarantor for the supremacy of the Constitution.

(2) The Constitutional Court consists of nine Judges, appointed for a term of office of 9 years, which cannot be prolonged or renewed.

(3) Three Judges are appointed by the Chamber of Deputies, three by the Senate, and three by the President of Romania.

(4) Judges of the Constitutional Court elect, by secret vote, its President for a term of 3 years.

(5) The Constitutional Court shall, every 3 years, be renewed with one third of its Judges, according to the Court's organic law.

#### ARTICLE 143: QUALIFICATION FOR APPOINTMENT

Judges of the Constitutional Court must have graduated law, and enjoy high professional eminence and at least 18 years' experience in the legal field or academic professorial activity.

#### ARTICLE 144: INCOMPATIBILITIES

The office of a Judge at Constitutional Court is incompatible with any other public or private office, except that of academic professorial activity.

#### ARTICLE 145: INDEPENDENCE AND IRREMOVABLE TENURE

Judges of the Constitutional Court shall be independent in the exercise of their office and irremovable during their term of office.

#### ARTICLE 146: POWERS

The Constitutional Court has the following powers:

- a) it adjudicates on the constitutionality of laws before promulgation, upon referral by the President of Romania, the President of either of the Chambers, the Government, the High Court of Cassation and Justice, the Advocate of the People, at least 50 Deputies or at least 25 Senators, as well as *ex officio*, on any initiative purporting a revision of the Constitution;
- b) it adjudicates on the constitutionality of treaties or other international agreements, upon referral by the President of either of the Chambers, at least 50 Deputies or at least 25 Senators;
- c) it adjudicates on the constitutionality of the Standing Orders of Parliament upon referral by the President of either of the Chambers, a parliamentary group or at least 50 Deputies or at least 25 Senators;
- d) it rules upon objections as to the unconstitutionality of laws and ordinances which are raised before the courts of law or commercial arbitration; a plea of unconstitutionality may also be brought up directly by the Advocate of the People;

- e) it decides on legal disputes of a constitutional nature between public authorities, at the request of the President of Romania, the President of either of the Chambers, the Prime Minister, or the President of the Superior Council of Magistracy;
- f) it sees to the observance of the procedure for the election of the President of Romania and confirms the ballot returns;
- g) it ascertains any circumstance as may justify the interim in the exercise of office of President of Romania, and it reports its findings to Parliament and to Government;
- h) it gives advisory opinion on the proposal to suspend the President of Romania from office;
- i) it sees to the observance of the procedure for the organisation and holding of a referendum, and confirms its returns;
- j) it verifies whether conditions are met for the citizens' exercise of their legislative initiative;
- k) it rules upon challenges as to the unconstitutionality of a political party;
- l) it also fulfils other prerogatives as provided by the Court's organic law.

#### **ARTICLE 147: DECISIONS OF THE CONSTITUTIONAL COURT**

(1) Any provisions of the laws and ordinances in force, as well as any of the regulations which are held as unconstitutional, shall cease their legal effects within 45 days from publication of the decision rendered by the Constitutional Court where Parliament or Government, as may be applicable, have failed, in the meantime, to bring these unconstitutional provisions into accord with those of the Constitution. For this limited length of time the provisions declared unconstitutional shall be suspended as of right.

(2) In cases related to laws declared unconstitutional before their promulgation, Parliament must reconsider those provisions concerned in order to bring such into line with the decision rendered by the Constitutional Court.

(3) If a treaty or international agreement has been declared constitutional according to Article 146 subparagraph b), such may no longer be demurred against via an objection

of unconstitutionality. Any treaty or international agreement held as unconstitutional cannot be ratified.

(4) Decisions of the Constitutional Court shall be published in the Official Gazette of Romania. As from their publication, decisions shall be generally binding and take effect only for the future.

## **TITLE VI: EURO-ATLANTIC INTEGRATION**

### **ARTICLE 148: INTEGRATION INTO THE EUROPEAN UNION**

(1) Romania's accession to the founding Treaties of the European Union, for purposes of transferring certain powers into the hands of community institutions, as well as for exercising in common with the other Member States the competencies stipulated in such Treaties, shall be under a law adopted in a joint session of the Chamber of Deputies and the Senate, by a majority of two-thirds of the number of Deputies and Senators.

(2) Following accession, provisions in the founding Treaties of the European Union, as well as other binding regulations under community law shall prevail over any contrary provisions of domestic law, while observing provisions in the accession instrument.

((3) Provisions of paragraphs (1) and (2) shall also apply accordingly for the accession to any instrument purporting a revision of the founding Treaties of the European Union.

(4) The Parliament, the President of Romania, the Government, and the judicial authority shall guarantee that any obligations arising from the accession instrument and from provisions under paragraph (2) are put into effect.

(5) The Government shall send the draft for any binding regulations to the Chambers of the Parliament prior to submitting such for approval to the European Union institutions.

### **ARTICLE 149: ACCESSION TO THE NORTH ATLANTIC TREATY**

Romania's accession to the North Atlantic Treaty shall be under a law adopted in a joint session of the Chamber of Deputies and the Senate, by a majority of two-thirds of the number of Deputies and Senators.

## TITLE VII: REVISION OF THE CONSTITUTION

### ARTICLE 150: INITIATIVE OF REVISION

(1) A revision of the Constitution may be initiated by the President of Romania at the proposal of the Government, by at least one quarter of all Deputies or Senators, as well as by at least 500,000 citizens having the right to vote.

(2) The citizens who initiate a revision of the Constitution must belong to at least half the number of the counties in the country, and in each of these counties or in the Municipality of Bucharest, at least 20,000 signatures must be recorded in support of such initiative.

### ARTICLE 151: PROCEDURE OF REVISION

(1) The bill or proposal for revision must have been adopted by the Chamber of Deputies and by the Senate, by a majority of at least two-thirds of the members of each Chamber.

(2) If agreement cannot be reached following the mediation procedure, the Chamber of Deputies and the Senate shall, in a joint session, decide by the vote of at least three-quarters of the number of Deputies and Senators.

(3) Revision shall be final after approval by a referendum held within 30 days from enactment of the bill or proposal concerning such revision.

### ARTICLE 152: LIMITS ON MATTERS OF REVISION

(1) None of the provisions in this Constitution concerning the national, independent, unitary and indivisible character of the Romanian State, the Republican form of government, or territorial integrity, independence of judiciary, political pluralism, or official language shall be object of revision.

(2) Likewise, no revision shall be possible if it leads to the suppression of any of the citizens' fundamental rights and freedoms, or their safeguards.

(3) The Constitution may not be revised during a state of siege or a state of emergency, or at wartime.



## TITLE VIII: FINAL AND TRANSITIONAL PROVISIONS

### ARTICLE 153: COMING INTO FORCE

This Constitution shall come into force on the date of its approval by a referendum. On the same day, the Constitution of August 21st, 1965 shall be and remain fully repealed.

### ARTICLE 154: TEMPORAL CONFLICT OF LAWS

(1) Any laws or other normative acts shall remain effective insofar as they are not in contradiction with any of the provisions of this Constitution.

(2) The Legislative Council shall, within 12 months after its organisation Law came into force, examine compatibility of all legislation with this Constitution, and shall accordingly forward proposals to Parliament or Government, as may be applicable.

### ARTICLE 155: TRANSITIONAL PROVISIONS

(1) Any bills or legislative proposals pending the law-making process shall be taken for debate and passed subject to the constitutional provisions applicable before the effective date of the Revision Law.

(2) The institutions laid down by the Constitution, which had existed before the effective date of the Revision Law, shall continue operation until the new ones have been established.

(3) Provisions under paragraph (1) of Article 83 shall commence application as from the next Presidential term of office.

(4) Provisions concerning the High Court of Cassation and Justice shall be implemented no later than 2 years after the effective date of the Revision Law.

(5) Incumbent Judges of the Supreme Court of Justice and audit advisers appointed by Parliament shall continue their office until expiration of the term of office for which they serve following appointment. In order to ensure that the Court of Audit is renewable every 3 years, incumbent audit advisers may, upon expiration of their respective term of office, be appointed for a fresh term of 3 or 6 years.

(6) Until establishment of specialized courts of law, any disputes as may arise from the activity of the Court of Audit shall be settled by the courts of general jurisdiction.

#### **ARTICLE 156: REPUBLICATION OF THE CONSTITUTION**

The Law on Revision of the Constitution shall be published in the Official Gazette of Romania within 5 days from enactment. After approval by a referendum, the Constitution, as amended and supplemented, shall be republished through the Legislative Council, with updated designations and new successive numbers for the texts.