

ROMANIA

CONSTITUTIONAL COURT

Palatul Parlamentului

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PRESS RELEASE

On 13 May 2020, the Plenum of the Constitutional Court, vested in accordance with Article 146 letter d) of the Constitution of Romania and with Article 29 of Law 47/1992 on the organisation and functioning of the Constitutional Court, discussed the exception of unconstitutionality of the provisions of the Government Emergency Ordinance No 21/2004 on the National Emergency Management System, an exception raised directly by the Advocate of the People.

The Constitutional Court, having analysed the formulated criticisms of unconstitutionality, has circumscribed the object of the exception to the provisions of Article 2 letter f) and of Article 4 of the Government Emergency Ordinance No 21/2004.

Following the deliberations, the Constitutional Court decided:

1. *By a unanimous vote*, it dismissed the exception of unconstitutionality and found that the provisions of Article 2 letter f) of the Emergency Government Ordinance No 21/2004 on the National Emergency Management System were constitutional in relation to the criticism formulated.

2. *By a majority of votes*, it upheld the exception of unconstitutionality and found that the provisions of Article 4 of the Government Emergency Ordinance No 21/2004 on the National Emergency Management System ***were constitutional insofar as the actions and measures ordered during the state of alert do not aim to restrict the exercise of fundamental rights or freedoms.***

As grounds for the given solution, the Court, similarly to the considerations on which Decision No 152 of 6 May 2020 on the state of emergency was based, held that the normative act restricting/affecting fundamental rights and freedoms of citizens or State fundamental institutions falls within the scope of the prohibition stipulated by Article 115 (6) of the Constitution, so that, in compliance with the constitutional framework resulting from the revision of the Fundamental Law of 2003, *a regulation with such an object can only be a law, as a formal act of the Parliament.*

The decision is final and generally binding and shall be notified to the two Chambers of the Parliament, to the Government and to the Advocate of the People.

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The arguments retained as grounds for the solution delivered by the Plenum of the Constitutional Court will be presented within the decision, which shall be published in the Official Gazette of Romania, Part I.

**Foreign Relations, Press and Protocol Unit
of the Constitutional Court**