

REGULATIONS

ON THE ORGANISATION AND FUNCTIONING OF THE CONSTITUTIONAL COURT¹

On the grounds of the provisions under Article 75 of Law no.47/1992 on the organisation and functioning of the Constitutional Court, republished,

The Plenum of the Constitutional Court adopts the following Regulations.

CHAPTER I General provisions

Article 1. - The Constitutional Court is organised and functions on the basis of Articles 142 – 147 of the Constitution of Romania, republished, Law no.47/1992 on the organisation and functioning of the Constitutional Court, republished, and under the present Rules.

Article 2. - These Rules lay down the organisation and functioning of the Constitutional Court, the duties and the rules of procedure specific for its activity, as well as the rules of procedure concerning disciplinary answerability.

Article 3. - These Regulations shall be interpreted and applied in accordance with the provisions of Law no.47/1992, republished, Law no.124/2000 on the structure of the Constitutional Court personnel, Law no. 303/2004 on the status of judges and public prosecutors, republished, and other statutory provisions as may be applicable to the Judges and the personnel of the Constitutional Court.

¹ Approved by Resolution no.6 of 7 March 2012 of the Plenum of the Constitutional Court and published in the Official Gazette of Romania, Part I, no.198 of 27 March 2012.

CHAPTER II

The Plenum and the President of the Constitutional Court

Article 4. - (1) The Plenum of the Constitutional Court shall fulfil the powers provided by the Constitution and by the law, as well as the following ones:

a) to adopt its own regulations and normative standards in application of legal provisions;

b) to approve the Court's draft Budget and rectifications thereof, subject to the law;

c) to approve development programmes in various areas of activity and the annual plan of public procurements;

d) to approve the organisational structure and the classification of posts within the Constitutional Court, according to the law;

e) to appoint and release from office the Secretary General;

f) to validate the results of competitions for the position of Assistant-Magistrate and specialised legal staff assimilated thereto, as well as the results of the capacity examination for junior Assistant-Magistrates and specialised legal staff assimilated thereto;

g) to approve the Plan of external relations and participation in various activities organised on a bilateral or multilateral level, as well as the Constitutional Court's representation in international bodies;

h) to approve the organisation by the Constitutional Court of scientific events, to be attended by guests from the country and from abroad;

i) to establish work schedule in the Constitutional Court and set the days in which hearing and trial sessions are being held;

j) to approve the making of plaques and medals to mark certain events in the Constitutional Court's activity;

k) to take under discussion the proposals submitted by the Body of Assistant-Magistrates;

l) to approve the Training Program for Assistant-Magistrates;

m) to resolve challenges against professional appraisal scores given to Assistant-Magistrates;

n) to apply disciplinary sanctions to the Judges, according to gravity of the breach;

o) to apply disciplinary sanctions to the Assistant-Magistrates, according to gravity of the breach, under the terms of these Rules;

p) to establish the patrimonial responsibility of the Constitutional Court Judges, upon proposal by the Secretary General;

q) to take any other necessary measures for the application of the law and for the proper running of the Constitutional Court's activity.

(2) In discharge of the powers established by these Rules, the Plenum of the Constitutional Court shall adopt resolutions.

Article 5. - The President of the Constitutional Court fulfils the powers provided by Law no.47/1992, republished, as well as the following ones:

a) to order and affix signature to the communication of referrals received by the Court, towards the public authorities so that they transmit their viewpoints in the cases provided by law as well as any other documents requested by the Court, according to the law;

b) to designate the Judge-Rapporteur and the Assistant-Magistrate in each of the cases entered on the Constitutional Court's docket;

c) to notify the Superior Council of Magistracy of irregularities with respect to transmission of referrals to the Constitutional Court, where necessary;

d) to inform the President of Romania in the situations provided by the Constitution and Law no. 47/1992, republished;

e) to order, subject to the law, the publication of the Constitutional Court's acts in the Official Gazette of Romania, Part I, as well as their communication to the public authorities as provided by law;

f) to appoint, by his Order, the Assistant-Magistrates, the Assistant-Magistrates-in chief and the First Assistant-Magistrate, and to direct their activity;

g) to appoint, by his Order, the legal specialised staff assimilated to Assistant-Magistrates and also the specialised auxiliary staff;

h) to assign Assistant-Magistrates to each of the Constitutional Court Judges, with the Judge's consent;

i) to assign for resolution, by his dated signature, the applications, petitions and any other letters addressed to the Constitutional Court;

j) to approve release of copies of documents from the Constitutional Court case files, upon reasoned request by the parties;

k) to approve the list of posts and of personnel;

l) to authorise the delegation of powers, subject to the law;

m) to conclude and terminate, subject to the law, individual employment contracts;

n) to exercise the disciplinary authority under the terms of the law and of these Rules;

o) to order the organisation of contests for the recruitment and promotion of the Constitutional Court personnel;

p) to order the organisation of capacity examinations for junior Assistant-Magistrates and specialised legal staff assimilated thereto;

q) to approve the schedule of paid holidays for the Judges, the Assistant-Magistrates and the Secretary General, subject to the law, and to order their holiday call-back; to approve a leave of absence without pay and a paid leave of absence for special events, in accordance with the law and the Rules governing holidays of the Constitutional Court Judges and personnel;

r) to ascertain patrimonial liability for damages caused by the Court's employees, upon proposal by the Secretary General;

s) to order measures for fulfilment of duties by the Court's personnel, as provided by law and by these Rules;

t) to give annual appraisal scores to Assistant-Magistrates, upon proposal by the First Assistant-Magistrate;

u) to make proposals on the award of distinctions to the Constitutional Court Judges and personnel;

(2) In discharge of the powers established under these Rules, the President of the Constitutional Court shall issue orders.

CHAPTER III

The Body of Assistant-Magistrates

Article 6. - (1) The Body of Assistant-Magistrates functioning within the Constitutional Court consists of a First Assistant-Magistrate, Assistant-Magistrates-in-chief, Assistant-Magistrates and junior Assistant-Magistrates, all of which are appointed according to the law and these Rules.

(2) The Body of Assistant-Magistrates shall carry out their activity under the direction of the President of the Constitutional Court.

(3) The Assistant-Magistrates' assignment into Sections shall be made by Order of the President of the Constitutional Court.

Article 7. - (1) The Body of Assistant-Magistrates has the following tasks:

a) to discuss and make proposals to the Plenum of the Constitutional Court on necessary measures for the proper conduct of jurisdictional activity;

b) to formulate viewpoints at the request of the President or Plenum of the Constitutional Court;

c) to discuss law issues;

d) to discuss and present to the Plenum of the Constitutional Court other issues arising from their activity.

(2) The Body of Assistant-Magistrates shall hold working sessions when convened by the First AssistantMagistrate or upon reasoned request made in writing by at least two Assistant-Magistrates-in-chief or by at least one third of the number of active Assistant-Magistrates.

(3) The working sessions of the Body of AssistantMagistrates are chaired by the First Assistant-Magistrate or, in the latter's absence, by one of the Assistant-Magistratesin-chief, by rotation.

(4) The Body of Assistant-Magistrates convened in a working session shall adopt resolutions by a majority vote of active Assistant-Magistrates.

Article 8. - (1) The First Assistant-Magistrate and the Assistant-Magistrates-in-chief are promoted from amongst the Assistant-Magistrates of the Constitutional Court, through a competition organised under the terms of the special law governing the status of the Constitutional Court personnel.

(2) The Assistant-Magistrate-in-chief – Director of the Office of the President of the Constitutional Court is appointed by the President from amongst the Assistant-Magistrates of the Constitutional Court, for the duration of his term of office.

(3) The period during which an Assistant-Magistrate has exercised a leadership position is taken into account on granting degrees.

Article 9. - The First Assistant-Magistrate has the following main tasks:

a) to coordinate the activity of Assistant-Magistrates and to oversee that such is conducted in conformity with the provisions of Law no.47/1992, republished, and of these Rules;

b) to submit incoming acts of reference to the President of the Court so that he designates a Judge-Rapporteur and an Assistant-Magistrate per case, and fixes the date of trial, as applicable;

c) to take measures in order to replace an Assistant-Magistrate, when absent, by another one;

d) to exert the attributions of an Assistant-Magistrate in the cases specifically assigned to him/her;

e) to work out and process information and data introduced by the Assistant-Magistrates into case-law information sheets in view of drawing-up annual collections of the Constitutional Court's Jurisprudence;

f) to confirm the accuracy of data and information on jurisdictional activity, at the request of the Plenum or President of the Court;

g) to see to the publication of the Constitutional Court's acts in the Official Gazette of Romania, Part I;

h) to ensure planning of paid holiday for Assistant-Magistrates and of their stand-by duty, when necessary;

i) to approve leaves of absence for the Assistant-Magistrates and to propose effectuation of their paid holiday for approval by the President of the Constitutional Court;

j) to ensure training of junior Assistant-Magistrates during probation period, and take steps for the organisation and conduct of their capacity examination;

k) to write and sign the certificates to be issued with the approbation of the President of the Constitutional Court;

l) to write and sign, with the approbation of the President of the Constitutional Court, answers to requests submitted in regard to the Court's case files, after the decision, ruling or advisory opinion has been rendered;

m) to submit the professional appraisal scores for the activity performed by Assistant-Magistrates for approval by the President of the Constitutional Court, based on proposals from the Assistant-Magistrates-in-chief;

n) to submit the Assistant-Magistrates' annual professional training program, based on their proposals, for approval by the Plenum of the Constitutional Court;

o) to coordinate the activity of the personnel in the Clerk, Registry and Archive Compartment;

p) to carry out spot-checks on the regularity of summons and other communications ordered in the Constitutional Court case files;

q) to direct the activity of the personnel in the Research, Documentation and Library Compartment;

r) to give appraisal scores for the personnel in the Clerk, Registry and Archive Compartment, and in the Research, Documentation and Library Compartment;

s) to approve leaves of absence and the effectuation of paid holiday for the personnel in the Clerk, Registry and Archive Compartment, and in the Research, Documentation and Library Compartment;

t) to propose to the President of the Constitutional Court compensatory time off for overtime worked by the personnel in the Clerk, Registry and Archive Compartment, and in the Research, Documentation and Library Compartment;

u) to participate in the administrative sessions of the Plenum and to countersign the adopted resolutions;

v) to inform the Assistant-Magistrates on the Constitutional Court Plenum resolutions which concern their activity;

w) to inform the President of the Constitutional Court of deficiencies encountered in the professional activity of Assistant-Magistrates, or about a breach of their duties;

x) to fulfil any other task ordered by the President or Plenum of the Constitutional Court.

Article 10. - The Assistant-Magistrates-in-chief fulfil, in the Section under direction, the following main tasks:

a) to coordinate and oversee the activity of the Assistant-Magistrates in their respective Section, in conformity with the provisions of Law no.47/1992, republished, and of these Rules;

b) to exert the attributions of an Assistant-Magistrate in the cases specifically assigned to them;

c) to verify the drafts of the Court's acts prepared by the Assistant-Magistrates in their Section before presentation to the Judge-Rapporteur designated in the case or to the President of the Court;

d) to check out information sheets containing case-law keys which accompany drafts of the Court's acts prepared by the Assistant-Magistrates;

e) to periodically check if the case-law information sheets are up to date;

f) to take over the First Assistant-Magistrate's duties in the event of his/her absence, according to the President's Order;

g) to fulfil any other task ordered by the President of the Court.

Article 11. - The Assistant-Magistrate-in-chief – Director of the Office of the President of the Constitutional Court fulfils the following main tasks:

a) to analyse the documents entered at the President's Office, to make proposals for their assignment and oversee compliance with deadlines and the manner in which requests addressed to the President have been resolved;

b) to exert the attributes of an Assistant-Magistrate in the cases specifically assigned to him/her;

c) to oversee communication of the Constitutional Court's acts to the public authorities provided by law;

d) to analyse supporting documents for the issuance of the President's Orders and also drafts thereof, and to give instructions for the entry into the Register of orders of the Constitutional Court President;

e) to coordinate the External Relations, Press Relations and Protocol Compartment, which is under subordination to the President;

f) to prepare, together with the Secretary General, the Constitutional Court's Plan of external relations and, following approval by the Plenum of the Constitutional Court, to see to its implementation;

g) to review documentary materials that are necessary for the proper conduct of the Constitutional Court's international relations;

h) to give appraisal scores to the personnel in the External Relations, Press Relations and Protocol Compartment;

i) to approve leaves of absence and effectuation of paid holiday for the personnel in the External Relations, Press Relations and Protocol Compartment;

j) to propose to the President of the Constitutional Court compensatory time off for overtime worked by the personnel in the External Relations, Press Relations and Protocol Compartment;

k) to participate in the administrative sessions of the Plenum which concern problems related to the Constitutional Court's activity of external relations;

l) to provide non-discriminatory accreditation to journalists and other media representatives, in maximum two days after registration of such request;

m) to also fulfil other duties, at the request of the President of the Constitutional Court.

Article 12. - The Assistant-Magistrates have the following principal tasks:

a) to take over the case files assigned to them;

b) to draft correspondence related to the adjudication of a case, upon request by the Judge-Rapporteur;

c) to ensure necessary documentation for the Judge-Rapporteur in regard of relevant conclusions in Romanian and foreign case-law and/or literature in the cases assigned to them, and to prepare the draft report;

d) to check out the legality of summoning and communication procedures in the cases assigned to them as participants in the adjudication;

e) to draft decisions, rulings, and advisory opinions, under the Judge-Rapporteur's guidance and direction;

f) to prepare the interlocutory orders pronounced;

g) to fill out the information sheets containing case-law keys which accompany the Constitutional Court's acts and to introduce the required data into the electronic case-law folder;

h) to write, based on approbation of the President of the Constitutional Court, answers to requests submitted in regard to the Court's case files, before the decision, ruling or advisory opinion has been rendered;

i) to carry out the stand-by duty, when necessary;

j) to also fulfil other tasks as may be requested by the Judge to whom they have been assigned or by the Judge-Rapporteur in respect of the Constitutional Court's jurisdictional activity, or at the request of the President.

CHAPTER IV

Compartments in the Constitutional Court's structure subordinated to the President of the Constitutional Court

Article 13. - The compartments in the structure of the Constitutional Court subordinated to the Court's President are: the Office of the President of the Constitutional Court, the External Relations, Press Relations and Protocol Compartment, and the Internal Audit Compartment.

Article 14. - (1) The External Relations, Press Relations and Protocol Compartment functions under coordination of the Assistant-Magistrate-in-chief – Director of the Office of the President of the Constitutional Court, and has the following main tasks:

A. Concerning the international relations activity:

a) to carry out activities in relation to the Constitutional Court's external relations;

b) to prepare necessary documentation and any other materials for the Constitutional Court delegations that participate in activities organised in Romania or abroad, respectively for welcoming foreign and national delegations;

c) to prepare and ensure mailing of correspondence related to the Constitutional Court's external relations;

d) to ensure translation of the Constitutional Court's jurisdictional acts into a foreign language;

e) to provide translation into Romanian of judgments made by the European Court of Human Rights, the Court of Justice of the European Union, of reports from international organisations, as well as of any other materials which are relevant for the Constitutional Court's activity.

B. Concerning press relations:

a) to provide journalists with information of public interest concerning the Constitutional Court's jurisdictional activity;

b) to ensure, on a regular basis or whenever there is an immediate public interest in the Constitutional Court's activity, press releases, press briefings, the organisation of press conferences or interviews;

c) to prepare and distribute press reviews about the Constitutional Court's activity to the Judges' individual offices;

d) to provide periodic information about the principal scientific and cultural events taking place in the country.

C. Concerning protocol service:

a) to organise the Constitutional Court's protocol activities;

b) to see to compliance with specific rules of protocol and ceremonies on the occasion of activities organised by the Constitutional Court;

c) to cooperate with the competent authorities in order to organise the ceremonial in events to be attended by the Constitutional Court Judges;

d) to organise protocol service on departure and arrival for the President and the Judges of the Constitutional Court, the Assistant-Magistrates, the Secretary General and for the official delegations visiting Romania at the invitation of the Constitutional Court;

e) to ensure getting passports and visa for travels abroad;

f) to ensure services for welcoming and accompanying foreign and national delegations;

g) to make proposals for the purchase and offering of symbolic gifts on the occasion of activities organised by the Constitutional Court;

h) to propose messages, greetings or congratulations to be sent on the occasion of certain national or international events, and the making of print forms for protocol purposes.

(2) The personnel employed in the External Relations, Press Relations and Protocol Compartment consists of specialized legal staff assimilated to Assistant-Magistrates and administrative personnel, whose duties are detailed under their individual job description.

Article 15. - The Internal Audit Compartment functions under subordination to the President of the Constitutional Court and fulfils the tasks provided by legislation in this area, as well as the duties assigned by the President in respect of activities within the General Secretariat,

the External Relations, Press Relations and Protocol Compartment, and the Research, Documentation and Library Office.

Article 16. - The Internal Audit Compartment has the following tasks:

a) to develop methodology rules for carrying out the internal audit specific to the Constitutional Court, with prior consent by the Central Harmonization Unit for Internal Audit in the Ministry of Public Finance;

b) to prepare the draft plan for annual internal audit;

c) to conduct internal audit activities in order to assess whether the Constitutional Court's financial management and control systems are transparent and comply with the rules of legality, regularity, economy, efficiency and effectiveness;

d) to prepare the annual report on internal auditing activities, which includes key findings, conclusions and recommendations resulting from the audit, as well as any irregularities or damage as may have been found;

e) in case of identification of irregularities or possible damage, to immediately report such to the President of the Constitutional Court and to the Central Harmonization Unit for Internal Audit;

f) to fulfil other duties prescribed by law and to perform any other work ordered by the President of the Constitutional Court.

Article 17. - The Internal Audit Compartment shall audit at least once every three years to include, but not limited to, the following:

a) budgetary and legal commitments out of which payment obligations arise, directly or indirectly, including from EU funds;

b) payments undertaken through budgetary and legal commitments;

c) sales, mortgage, lease or rental of property which belongs to the Constitutional Court;

d) management of public revenue and, respectively, the authorisation and establishment of debt securities, as well as facilities granted upon collection;

e) allocation of budget appropriations;

f) accounting system and its reliability;

g) management and control systems and the risks associated with such systems;

h) IT systems;

i) other objectives as prescribed by law.

CHAPTER V

Compartments in the structure of the Constitutional Court subordinated to, or coordinated by the First Assistant-Magistrate

Article 18. - Under subordination to the First Assistant-Magistrate functions the Research, Documentation and Library Compartment, which is made up of specialised legal staff assimilated to Assistant-Magistrates, the personnel with philological studies and staff at the library.

Article 19. - The specialised legal staff assimilated to Assistant-Magistrates has the following tasks:

a) to prepare the information sheet on domestic legislation and Constitutional Court case-law and their updates for the cases assigned to Judges whose office is not staffed with legally trained personnel;

b) to prepare the information sheet on international legislation and case-law as well as other documentation, upon request by the Assistant-Magistrate assigned to the case;

c) to prepare periodic information on conclusions handed out by the European Court of Human Rights and by the Court of Justice of the European Union, which are relevant for the Constitutional Court's activity;

d) to periodically prepare information sheets on other constitutional courts' case-law;

e) to also fulfil any other task in connection with the research and documentation activity, upon request by the Judges and the President of the Constitutional Court.

Article 20. - The personnel with philological studies has the following tasks:

a) to proofread the Constitutional Court's acts drafted by Assistant-Magistrates;

b) to make a text analysis, upon reasoned request by the Constitutional Court Judges or Assistant-Magistrates;

c) to also fulfil other tasks requiring language skills.

Article 21. - (1) The staff working in the library of the Constitutional Court has the following tasks:

a) to manage the book fund of the library;

b) to record books and periodicals in custody, into the inventory;

c) to enter lent out books, periodicals and reviews into the loan record and slips;

d) to make sure that all the periodicals subscribed by the Constitutional Court are being regularly received;

e) to fill out and maintain the library's electronic database;

f) to inform the President, the Judges, the Assistant-Magistrates and the specialised legal staff assimilated thereto on editorial novelties in the legal area;

g) to make proposals for the purchase of books and subscription to periodicals;

h) to prepare an annual statistical report on library activities;

i) to fulfil any other duties established by the First Assistant-Magistrate.

(2) The library is managed by a librarian or, where unavailable, by the documentation clerk.

Article 22. - The Clerk, Registry and Archive Compartment functions under coordination of the First Assistant-Magistrate.

CHAPTER VI

The General Secretariat of the Constitutional Court

SECTION 1

Organisation of the General Secretariat

Article 23. - (1) The General Secretariat of the Constitutional Court is responsible for the organisation and carrying out of the Court's functional and technical activities, with a view to the accomplishment of its powers and duties subject to the provisions of Law No.47/1992, republished, and of these Rules.

(2) The structure of the General Secretariat of the Constitutional Court shall comprise:

a) The Clerk, Registry and Archive Compartment;

b) The Economic Division;

c) The Human Resources and Payroll Office;

d) The Statistics and IT Office;

e) The General Register Office and Archives Compartment;

f) The Office of the Secretary General;

(3) Also the legal adviser and the staff from the Judges' individual offices function within the Secretariat General.

(4) The duties of the compartments provided under paragraph (2) are those established under these Rules.

(5) The tasks for the personnel in the General Secretariat of the Constitutional Court shall be detailed under their individual job description.

SECTION 2

Management of the General Secretariat

Article 24. - (1) The General Secretariat of the Constitutional Court is headed by a Secretary General who has the following main tasks:

a) to bear the responsibility for the planning, organisation and coordination of activities and work incumbent on structures within the Constitutional Court's General Secretariat so that such is carried out in accordance with the provisions of Law no.47/ 1992, republished, and these Rules;

b) to inform the President of the Constitutional Court, in writing, of the manner in which he/she has discharged powers as authorising officer in respect of the appropriations, every three months or whenever so requested by the President;

c) to carry through, under the terms of the law, the Constitutional Court Plenum's resolutions and the President's directions in respect of the tasks incumbent on him/her;

d) to present and ensure supporting documentation to the acts submitted for approval by the Constitutional Court Plenum or President;

e) to record solutions adopted by the Constitutional Court Plenum in administrative matters, and write down the minutes based on which he/she will draft a resolution at each session;

f) to countersign resolutions adopted by the Constitutional Court Plenum in administrative matters, and to order entry thereof in the

Register of the Constitutional Court's Administrative Plenum Resolutions;

g) to solve petitions from citizens and organisations, as have been assigned to him/her by the President of the Constitutional Court;

h) to coordinate the activity for resolving requests of access to information of public interest, under the terms of the law;

i) to organise and coordinate the upkeep of the Constitutional Court's web page and databases;

j) to prepare, alongside with the coordinator of the External Relations, Press Relations and Protocol Compartment, the draft for the Constitutional Court's Plan of international relations and, following approval by the Constitutional Court Plenum, to collaborate in the implementation thereof;

k) to ensure preparation of the draft Budget of the Constitutional Court, to submit such for approval to the Court's Plenum, and thereafter forward it to the Government, under the signature of the President of the Constitutional Court, according to the law;

l) to commit and use budgetary appropriations within their approved limits and destination for expenditures paid with funds allocated from State Budget and State Social Insurance Budget, subject to the law;

m) to approve job description lists comprising duties for each individual post in the structure of the General Secretariat of the Constitutional Court, under the terms of these Rules;

n) to approve assignment of the Constitutional Court's General Secretariat staff on business travels within national territory;

o) to approve leaves of absence and effectuation of paid holiday for the personnel of the Constitutional Court's General Secretariat, subject to these Rules;

p) to approve compensatory time off for overtime worked by the personnel of the Constitutional Court's General Secretariat, subject to these Rules;

q) to make proposals for establishing patrimonial liability for damages caused by the Constitutional Court's Judges and personnel, under the terms of these Rules;

r) to take necessary measures for the organisation of competitions and examinations as decided by the President of the Constitutional Court, by his Order;

s) to organise the physical inventory of the Court's assets, to approve and ensure valuation of the inventory report, subject to the law;

t) to also fulfil other duties established by the Plenum or the President of the Constitutional Court.

(2) In discharging his/her powers provided by these Rules, the Secretary General shall issue instructions.

SECTION 3

Tasks incumbent on the General Secretariat's Compartments

1. The Clerk, Registry and Archive Compartment

Article 25. - (1) The Clerk, Registry and Archive Compartment is the auxiliary specialised compartment in the Constitutional Court, and is organised according to provisions of Articles 116 – 118 of Law no.304/2004 on judicial organisation, republished, as subsequently amended and supplemented.

(2) The Clerk, Registry and Archive Compartment performs operations concerning the receipt, registration, distribution, dispatch and archiving of documents and correspondence in connection with the jurisdictional activity, docketing of acts of reference to the Constitutional Court and of their related correspondence, as well as other ancillary work which is necessary for the Court's proper operation.

Article 26. - (1) The Clerk, Registry and Archive Compartment is made up of specialised auxiliary staff, as defined by provisions under Law no.567/2004 on the status of specialised auxiliary staff in courts and prosecution offices attached thereto and the staff working in the National Institute of Forensic Expertise, as subsequently amended and supplemented, and is also staffed with couriers.

(2) The specialised auxiliary staff consists of clerks, documentation clerks, archive clerks and registry clerks.

Article 27. - (1) The Compartment is headed by a Chief Clerk who is promoted from amongst the specialised auxiliary staff, by

competition organised under the terms of the special law governing the status of the Constitutional Court personnel.

(2) The Chief Clerk has the following tasks:

a) to coordinate, give guidance on, and supervise the work of subordinated staff in accordance with the provisions of these Rules and their job description;

b) to ensure organisation and conduct of court proceedings, by taking measures for proper registration and preparation of case files on the Constitutional Court docket, for the drafting and issuance of summons;

c) to circulate case files for consultation by the Constitutional Court Judges, upon their request;

d) to verify and sign the list of case files to be heard in a public session, and of those pending pronouncement, respectively;

e) to ensure accomplishment of activities in regard of the clerk, registry and archive, the courier's and the dispatch of correspondence related to jurisdictional activity;

f) to draft the letter of communication and, under the Secretary General's signature, send the acts adopted by the Constitutional Court for publication in the Official Gazette of Romania, Part I;

g) to ensure communication of answers made to the parties' requests and copies of acts from the Constitutional Court case files, and also to return original documents filed in the Court cases, subject to these Rules;

h) to receive applications for certificates and to submit them, together with the case file, to the First Assistant-Magistrate;

i) to sign the letters drafted by the staff from the Judges' individual offices, subject to Article 41, paragraph subparagraph c) of these Rules;

j) to return documents of jurisdictional character where mistakenly forwarded to the Constitutional Court;

k) to propose the schedule of public opening hours and present it to the First Assistant-Magistrate in order to be approved by the Constitutional Court Plenum;

l) to prepare and sign purchase requisition slips, justification notes and other documents concerning the compartment's activity;

m) to certify as to the truth and accuracy of invoices concerning the compartment;

n) to draft the planning of stand-by duties incumbent on subordinated staff for endorsement by the First Assistant-Magistrate, and to submit such for approval by the President of the Constitutional Court;

o) to propose to the First Assistant-Magistrate the professional appraisal scores for the activity carried out by the compartment's staff;

p) to also fulfil other duties established by the Constitutional Court Plenum, President or First Assistant- Magistrate.

Article 28. - The clerks have the following tasks:

a) to prepare the draft summons and their notice, and give them out to the registry clerk for delivery to the parties;

b) to fill out the Register of hearing dates;

c) to maintain liaison, whether by electronic mail, telephone, fax or cable, with the parties, judicial courts or other authorities in order to perfect their proceedings, while also preparing written proof of such correspondence;

d) to promptly inform the Assistant-Magistrates about any incoming document in respect of docketed cases;

e) to fill out the record of judgment sessions and bring it, together with the case files, into the session; each session must be attended by a clerk, as designated by the Chief Clerk;

f) to prepare the list of case files to be heard in a public session, to display such on the notice board, and make photocopies for its distribution by courier to the Judges' offices, to the Assistant-Magistrates, as applicable, as well as to the Assistant-Magistrates-in-chief and the First Assistant-Magistrate;

g) to prepare the list of cases pending pronouncement, and make photocopies for its distribution by courier to the Judges' offices, to Assistant-Magistrates, as applicable, as well as to the Assistant-Magistrates-in-chief and the First Assistant-Magistrate;

h) to fill out the inventory record of the Court's acts;

i) to fulfil other tasks established by Chief Clerk.

Article 29. - Documentation clerks and archive clerks have the following tasks:

a) to scan and photocopy the acts of reference to the Constitutional Court, as well as any other materials filed into the Court's records, after consultation with the Assistant-Magistrate assigned to the case;

b) to keep the electronic record of the general register of case files;
c) to prepare and upkeep a distinct record of referrals which failed to comply with Article 29, paragraph (4) of Law no.47/1992, republished;

d) to take over resolved jurisdictional case files for archiving purposes;

e) to ensure archives storage of registers and case files in adequate conditions;

f) to prepare an inventory of archived files and records in order to hand them over to the General Register Office and Archives Compartment;

g) to handover, once a year, the archived case files at expiry of their maintaining period, based on their inventory and handover report, to the General Register Office and Archives Compartment;

h) to also fulfil other tasks established by the Chief Clerk.

Article 30. - The registry clerks have the following tasks:

a) to receive and register documents of jurisdictional character submitted to the Constitutional Court, and upkeep their record;

b) to fill out the registers of the Constitutional Court provided under Article 43 paragraph (1), subparagraphs a) and b), on a daily basis;

c) to create records for new case files based on the incoming referrals, and later on attach thereto other received documents while consecutively numbering each page, and to certify such in writing on the inside cover of the case record;

d) to organise maintenance of case files in the current archive;

e) to ensure and supervise the consultation of case files by the parties or their representatives within the compartment's premises, during public opening hours;

f) to ensure transfer of case files to the Judges' offices and to Assistant-Magistrates;

g) to make photocopies of documents from the case files and ensure distribution, by courier, to the Judges' offices and to Assistant-Magistrates, after consultation with the Assistant-Magistrate assigned to the respective case;

h) to send by post/courier the Constitutional Court's jurisdictional acts and to return the case files, as appropriate, to the referring courts;

i) to make photocopies of the acts adopted by the Constitutional Court and to communicate such to persons or authorities as provided by law;

j) to also fulfil also other duties established by the Chief Clerk.

Article 31. - The couriers have the following tasks:

a) to receive correspondence which arrives at the Constitutional Court;

b) to carry and distribute documents inside premises of the Constitutional Court, i.e. to the Judges' offices, Assistant-Magistrates, the General Secretariat compartments and, where necessary, to other authorities as well;

c) to dispatch, by military postal service, summons and notifications to the Public Ministry prepared by the clerks and, where necessary, to personally deliver notice of summons to the Public Ministry or other authorities;

d) to take summons and all correspondence handed over by the registry clerks, as per list, to be delivered via post office;

e) to also fulfil other duties established by the Chief Clerk.

Article 32. - (1) The specialised auxiliary staff of the Clerk, Registry and Archive Compartment fills out and upkeeps registers and inventory lists as may be needed for carrying out the compartment's activity.

(1) The personnel's incumbent duties are established in detail in their individual job description, which is prepared by the Chief Clerk and approved by the First Assistant-Magistrate. For the Chief Clerk, such job description is prepared by First Assistant-Magistrate.

2. Economic Division

Article 33. - The Economic Division is headed by a Director and is composed of the following sections:

a) Financial-Accounting;

b) Administrative and Public Procurement.

Article 34. - (1) The Director has the following main tasks:

a) to coordinate the compartments in the structure of the Economic Division;

b) to bear the responsibility for management of the economic and financial activity of the Constitutional Court;

c) to provide supporting documentation and ensure preparation of the draft Budget of the Constitutional Court;

d) to organise and bear responsibility for the conduct of preventive financial control;

e) to ensure utilisation of financial resources within limits of the approved budget;

f) to organise the Constitutional Court's day-to-day book-keeping and accounting, and to control on the proper recording of all financial-accounting operations in specific documents, as well as to prepare and submit financial statements required by the Court's Plenum or President, within the fixed deadline;

g) to ensure administration of the Constitutional Court's assets;

h) to ensure, supervise and bear responsibility for the proper performance of contracts concluded by the Constitutional Court;

i) to ensure logistical means and services which are needed for the proper operation of the Court's activity;

j) to ensure payment of salary entitlements and the transfer of financial obligations related thereto;

k) to ensure the implementation of programs so as to provide IT and communications endowment for the Constitutional Court's compartments;

l) to provide logistic support as may be necessary for the external relations, press relations and protocol activities of the Constitutional Court;

m) to take measures so as to ensure order and cleanliness in workplaces on the Constitutional Court's premises;

n) to also fulfil other duties established by the Plenum, the President or the Secretary General of the Constitutional Court.

(2) In case of the absence of the Secretary General, the Director shall take over his / her duties, as may be authorised by the Order of the President of the Constitutional Court.

Article 35. - The Financial-Accounting Section has the following main tasks:

A. Concerning the financial activity:

a) to ensure supporting documentation for, and to prepare the draft Budget based on the Plenum's guidelines while also considering

proposals centralized from the compartments of the Constitutional Court;

b) to monitor the Budget implementation and to prepare updated reports on a regular basis;

c) to keep record of all legal and budgetary commitments and to execute authorised payments so as to meet the obligations undertaken by the Constitutional Court in relation to third parties;

d) to prepare and submit payment instruments within legal deadlines for such payments;

e) to request opening of necessary budgetary credits on a monthly basis;

f) to see to the strict confinement of expenditures within the limits established in the Budget and to the spending of funds according to pre-set destination;

g) to pay obligations to the State Budget and to the State Social Insurance Budget within deadlines and amounts established by law.

B. Concerning the accounting activity:

a) to enter all economic and financial transactions into the synthetic and analytical accounting records on current expenditures and non-financial assets in accordance with the budget classification subdivisions;

b) to prepare the accounting slips for economic and financial transactions, as well as the synthetic and analytical trial balances;

c) to draw up the balance sheet and the statement of principal economic and financial indicators for reporting purposes, as well as various monthly reports, in accordance with the legal provisions in force;

d) to attend to an accurate reflection in the accounts of the debts created and arising from entitlements related to personnel, goods and services, as well as non-financial assets;

e) to organise the physical inventory of the Court's assets, to compile the valuation report and to fill out the inventory record according to the balance sheet items;

f) to organise and maintain the archive of accounting records pertaining to budgetary execution, to sort out, put into files and keep, subject to the law, all proofs of payment;

g) to organise and perform checks on compliance with the discipline of cash handling, as well as management and transportation of cash amounts.

C. Concerning the own preventive financial control:

a) to verify and endorse all financial operations, in terms of their legality, regularity and confinement within the budgetary commitments established according to the law;

b) to exercise financial control over management of material and financial resources and to endorse documents wherein economic operations are written down;

c) to draw up records of all financial operations that have been committed, validated, authorised for payment and paid out;

d) to collaborate with the delegated financial controller and the internal auditor for a timely settlement of financial operations with a higher degree of difficulty.

D. Concerning cash management operations:

a) to execute, according to the law, cash operations authorised for payment;

b) to administer valuable assets placed in the cashbox;

c) to prepare documents concerning cash management and those in connection with deposit to/ withdrawal from the treasury of authorised amounts of cash;

d) to ensure safe transportation of cash amounts from the treasury/bank to the Constitutional Court, and back.

Article 36. – The Administrative and Public Procurement Section has the following main tasks:

A. Concerning administrative activity:

1. Transportation activity

a) to manage the fleet of cars and the inventory in its endowment; to ensure necessary transportation in view of the Constitutional Court's activities, as may be required;

b) to make proposals for the annual procurement plan so as to include services and materials which are necessary for the vehicles' maintenance;

c) to watch, from a technical point of view, over the use, maintenance and repair of the Constitutional Court vehicles, as well

as over fuel and lubricants consumption, as against the normative standards established by the Plenum;

d) to prepare technical specifications for overhaul, repair and insurance contracts;

e) to initiate and carry out auto service contracts; to ensure that technical overhauls are made on a regular basis;

f) to keep record of the vehicles and drivers activity based on the drivers' logbooks;

g) to initiate and carry out insurance contracts for the Constitutional Court vehicles.

2. Stock items management-related activities

a) to keep technical and operational records of items purchased for the Constitutional Court's activity;

b) to deal with the reception, management, deposit and keeping of items in store;

c) to ensure distribution of items purchased for the Constitutional Court's activity; to check them for unimpaired condition;

d) to provide supporting documentation for the annual requirements of stationery and office supplies, to be included in the annual procurement plan;

e) to draw up purchase requisition slips for stationery and office supplies;

f) to draw up lists of assets and items of property to be inventoried and to prepare reports related to: depreciation, decommissioning, discarding, gratuitous transfer or auction of certain items in stock or in use, as well as on inactive, slow moving or non-reusable stocks;

g) to provide for the protocol buffet and current supplies, as well as to supply the Judges' individual offices with refreshments and/or protocol items, as per requests.

3. Current administrative activity

a) to perform all necessary administrative operations for the proper functioning of the Constitutional Court compartments;

b) to organise cleaning and maintenance in areas on the Constitutional Court's premises;

c) to ensure transfer, pick-up, administrative and other formalities on airport departures and arrivals, for the Constitutional Court Judges and personnel;

d) to ensure regular maintenance and current repair works for all pieces of equipment;

e) to ensure the carrying out of the premises lease agreement concluded with the Chamber of Deputies and to collaborate with the specialised departments thereof;

f) to ensure and organise the plan and arrangements for fire prevention and fire extinction; to provide regular briefings for the Constitutional Court personnel on fire safety rules, according to regulations in force;

g) to ensure proper application of the provisions of Law no.319/2006 on occupational health and safety;

B. Concerning public procurement:

a) to prepare, amend and update the annual public procurement plan, based on documented requests issued by the user compartments;

b) to accomplish, based on the annual public procurement plan, the public procurement procedures for procurement of goods, services and works, subject to the law;

c) to prepare drafts of contracts for the purchase of goods, services and works; to carry out supply contracts and follow-up their proper implementation; to notify contractual partners in the event of failure to meet deadlines or other contract obligations and to propose measures for the recovery of possible damages; to forward contracts for services and works to their respective beneficiaries in view of performance and implementation thereof;

d) to ensure the supply of fuel, materials, spare parts and other consumables that are necessary for the proper operation of the Court's vehicles;

e) to ensure the reception of purchased goods, services and works and to certify their conformity in terms of quantity, quality and value with the contract provisions or orders issued, as appropriate;

f) to ensure and see to the proper performance of contracts providing accommodation and domestic air transportation for the Judges who are not resident in Bucharest.

3. Human Resources and Payroll Office

Article 37. - The Human Resources and Payroll Office functions under subordination to the Secretary General and has following main tasks:

A. Concerning human resources:

a) to prepare the classification of functions in the Constitutional Court, as well as the list of posts and of personnel;

b) to ensure the organisation and conduct of competitions for filling vacant positions;

c) to fulfil employment formalities and any further modification, suspension or termination of employment, as may be the case;

d) to manage the employees' professional records in the Constitutional Court;

e) to prepare, fill out and submit the electronic record of employment to the territorial Labour Inspection office;

f) to manage the schedule and issues on holiday and sickness absence leaves;

g) to prepare pension files upon retirement;

h) to prepare the annual training program based on the proposals from the heads of compartment and to organise the individual performance appraisal process;

i) to prepare and/or check out, as appropriate, attendance sheets.

B. Concerning payroll:

a) to ensure a documented basis on salaries funds pertaining to monthly gross salaries and basic salaries, as well as the total salary expenditure per reference year;

b) to calculate salary entitlements / remunerations for Judges, Assistant-Magistrates, specialised legal staff assimilated thereto, specialised auxiliary staff and other employees, as well as the monthly funds necessary to cover salary expenses;

c) to prepare the payroll of salary entitlements to be paid to all categories of personnel in the Constitutional Court;

d) to calculate and withhold individual contributions, as well as the employer's contributions which are due to the general consolidated budget;

e) to prepare the tax report forms;

f) to prepare documents for contributions of humanitarian assistance to be paid from the fund which is at disposal of the President of the Constitutional Court;

g) to fill and send to the National Institute of Statistics monthly, semestrial and annual questionnaire forms relative to salaries funds and personnel structure.

4. Statistics and IT Office

Article 38. - The Statistics and IT Office has the following main tasks:

A. Concerning the network maintenance:

a) to organise, coordinate and implement measures in order to develop the communications and technological infrastructure;

b) to install, configure and maintain the institution's computer network;

c) to manage the Intranet/Internet network server;

d) to propose and achieve interconnection with external databases;

e) to provide supporting documentation and prepare the draft IT and communications endowment programme for the Constitutional Court compartments;

f) to participate in the preparation of procurement documentation and evaluation of tenders in the procurement process of IT products and services for the Constitutional Court;

g) to participate in the reception of purchased IT products and services and the implementation of contracts for procurement of IT products and services for the Constitutional Court;

h) to provide specialised technical assistance for the efficient use of IT products and services in the Constitutional Court;

i) to oversee the performance of service contracts in its own area of expertise and certify proper operation of purchased services;

j) to perform data backups.

B. Concerning database applications management:

a) to design and implement database applications and to coordinate maintenance thereof in the IT system of the Constitutional Court;

b) to manage the database server;

c) to draw up instructions for use in case of modified software applications;

d) to ensure day-to-day updates for the database in respect of the cases on the Constitutional Court' docket;

e) to compile statistics and reports on the jurisdictional activity of the Constitutional Court;

f) to provide specialised technical assistance for the efficient use of legal databases which is available to the Constitutional Court.

C. Concerning management of the Internet/Intranet webpage:

a) to ensure development and upkeep of the Constitutional Court's webpage, as well as publication of information concerning the activity of the Constitutional Court and other information of public interest;

b) to manage the web server;

c) to ensure that information collected from the Clerk, Registry and Archive Compartment is published on the Constitutional Court's intranet so as to provide effective circulation;

d) to publish the content of the Constitutional Court's acts on the Internet page;

e) to manage the electronic mail server.

D. Concerning various documentary material editions:

a) to manage the e-publications storage server;

b) to provide editing work for brochures, books and other publications of the Constitutional Court;

c) to ensure scanning or photocopying of materials as may be required in the activity of the Constitutional Court.

5. General Register Office and Archives Compartment

Article 39. - The General Register Office and Archives Compartment is subordinated to the Secretary General and has following main tasks:

a) to receive and record letters, petitions and official notes and assign them as has been decided by the President of the Constitutional Court;

b) to dispatch administrative correspondence;

c) to enter the President's orders, the administrative Plenum's resolutions, the Secretary General's instructions, as well as all administrative correspondence into the special registers provided under these Rules;

d) to initiate and organise the activity concerning the nomenclature of files within the institution;

e) to verify and take up files created by the issuing compartments, on the basis of inventory and handover minutes;

f) to organise the archives repository, according to legislation in force;

g) to compile inventories for all documents kept in the Constitutional Court's archives repository;

h) to keep record in the register for entry/exit of archive items of documents kept in the archives repository, documents proposed for selection or for the handover to the National Archives, and documents completely damaged;

i) to provide all documents and papers as may be requested by the delegated representative of the National Archives during inspections;

j) to fill out and upkeep index-lists specific for the compartment's activity.

6. Legal adviser

Article 40. - The staff acting as legal adviser is subordinated to the Secretary General and has following main tasks:

a) to endorse, in terms of legality, any measure that may entail the Secretary General's patrimonial liability in his/her capacity as authorising officer of the appropriations;

b) to perform legal work, by representing the institution in disputes with third parties before the courts or other jurisdiction bodies, as may be necessary;

c) to examine, endorse and countersign contracts for the procurement of goods, services and works to be concluded by the Constitutional Court;

d) to examine, endorse and countersign financial commitments entered into by the Constitutional Court;

e) to endorse and countersign the instructions issued by the Secretary General of the Constitutional Court;

f) to endorse and countersign the documentation for organisation of the public procurement process;

g) to endorse and countersign individual employment contracts;

h) to receive, record and relay, according to the law, wealth and interest declarations submitted by the Constitutional Court Judges, Assistant-Magistrates, specialised auxiliary staff, as well as by persons

holding management and control positions within the Court, and to issue proof of submission thereof;

i) to respond to requests and complaints made under Law no.544/2001 on free access to public information and to prepare the Constitutional Court's annual report on access granted to public information;

j) to fulfil any other duties established by the President or the Secretary General of the Constitutional Court.

7. Personnel staffing the Judges' Offices

Article 41. - (1) The personnel staffing the Judges' offices has the following tasks:

a) to perform secretarial work for the Judges' offices;

b) to draft letters requesting the viewpoints as provided by Article 30, paragraph (1) of Law no.47/1992, republished;

c) to draft notes addressed to the referring courts of law, courts of commercial arbitration or to the Advocate of the People, as may be necessary, concerning the return of case files or communication of the Constitutional Court decisions rendered on the grounds of Article 146, subparagraph d) of the Constitution, republished;

d) to fulfil other duties as established by the Judges.

(2) In addition to the tasks provided in paragraph (1), the legally trained staff also prepares the information sheet on domestic legislation and Constitutional Court case-law, and the updated sheets thereof.

(3) For the persons provided in paragraph (1) above, the planning of paid holiday and the leaves of absence shall be for the respective Judge to approve.

(4) Provisions under paragraph (1), subparagraphs a) and d) and those under paragraph (3) shall correspondingly apply to the Secretary General's office staff.

(5) The period during which the legally trained staff has discharged duties as set forth in paragraphs (1) and (2) within a Judge's individual office constitutes seniority in the legal field.

CHAPTER VII
Operation of the Constitutional Court

SECTION I
The Constitutional Court's Registers

Article 42. - (1) The following Registers shall be set up and kept by the Constitutional Court:

- a) a register of administrative correspondence entry/exit;
- b) a register of case file entry/exit;
- c) a general register of case files;
- d) a journal of judgement sessions;
- e) a register of trial date(s);
- f) an inventory of the Court's acts;
- g) a register of resolutions adopted by the Constitutional Court's Administrative Plenum;
- h) a register of orders issued by the President of the Constitutional Court;
- i) a register of instructions ordered by the Secretary General;
- j) an inventory record of session notes;
- k) a register of secret correspondence;
- l) a register for entry/exit of archive items;
- m) a register for repository.

(2) At the proposal of the First Assistant-Magistrate or the Secretary General, the President of the Constitutional Court may approve the keeping of other registers besides those provided under paragraph (1), should they be deemed necessary for the activity of the Constitutional Court.

(3) Template of the registers shall be approved by the Plenum of the Constitutional Court.

Article 43. - (1) The Constitutional Court's Registers which are set up and kept by the Clerk, Registry and Archive Compartment are the following ones:

- a) the Register of case file entry/exit, in which all acts of reference submitted to the Constitutional Court are to be recorded by registry clerks in chronological order;

b) the General Register of case files, in which all acts of reference to the Constitutional Court, in order of entry, as well as all correspondence related thereto are to be recorded by registry clerks; the registration number given therein is made up of the case file number followed by one letter indicating the specific category of attributes from among those listed under Article 146 of the Constitution, republished; each such registered entry shall mention, as appropriate: the referring court and number of its case file, name of entity or person who made referral, subject matter, Judge-Rapporteur and Assistant-Magistrate designated in the case, date of solicitation, and transmission, of viewpoints, requests /viewpoints/ summoning proof registered in the file, date of report submission, date(s) of trial, conclusion pronounced by the Court, date of case file return to referring court or communication of the Court's act, parties who have requested permission to study their file;

c) the Journal of judgement sessions, in which all case files scheduled per individual session, in order of entry on the list of case files, as well as names of Judges and Assistant-Magistrates designated in those cases are to be entered by the clerk;

d) the Register of trial date(s), in which the case files are to be entered by the clerk, per day of trial proceedings;

e) the Inventory of the Court's acts, into which all decisions and rulings pronounced, or advisory opinions issued, are to be consecutively and singly entered by the clerk, in accordance with distinctions made under Article 11, paragraph (1) of Law no. 47/1992, republished; the date of preparation is deemed to be the day when a decision, ruling or advisory opinion is given out by the Assistant-Magistrate for the President's file folder; likewise, it shall mention the date of transmission of the act to the "*Monitorul Oficial*" Self-Managed Company, as well as the number and date of the Official Gazette of Romania, Part I, in which the act has been published;

f) the Inventory Record of session notes, which is kept in compliance with Article 56 of Law no.47/1992, republished.

(2) At the end of each year, after making the last entry in each of the registers, a final report shall be drawn up and signed by the Chief Clerk and by the First Assistant-Magistrate, thereafter duly sealed. If

applicable, the same registers can be used for further entries, starting out with fresh numbers every year.

(3) The records entered in the general register of case files are concurrently kept in electronic format.

Article 44. - (1) The Registers which are set up and kept in the Constitutional Court's General Register Office and Archives Compartment are the following ones:

a) the Register of administrative correspondence entry/exit, in which all requests or other acts, where not related to the Constitutional Court's jurisdictional activity, all letters, petitions and administrative notes are to be recorded by the staff having registry tasks, in chronological order;

b) the Register of resolutions adopted by the Constitutional Court's Administrative Plenum;

c) the Register of orders issued by the President of the Constitutional Court;

d) the Register of instructions ordered by the Secretary General;

e) the Register of secret correspondence;

f) the Register for entry/exit of archive items;

g) the repository Register.

(2) Incoming correspondence classified as "secret" shall be handed directly to the President of the Constitutional Court in unopened envelope, and entered in a special register.

(3) The register of secret correspondence contains the inventory of documents subjected to Law no.182/2002 on protection of classified information, as subsequently amended and supplemented.

(4) The register of secret correspondence is set up and kept by the person designated and authorised to this purpose.

(5) The correspondence which is marked "confidential" or "personal" shall be entered with this mention only, and handed over to the addressee in unopened envelope.

SECTION 2
Activity prior to the hearing session

Article 45. - (1) Acts of reference to the Court shall be those established by law, whether delivered by post or courier. Such shall be filed in at the Clerk, Registry and Archive Compartment, where - on that same day - receive a date certain, after which are submitted by the First Assistant-Magistrate to the President of the Court, with the envelopes attached.

(2) Other requests and acts of jurisdictional character, arrived by post or courier or delivered in person, as well as those sent by telegram, fax or electronic mail shall be recorded and then submitted to the President.

(3) Dispatch of correspondence of jurisdictional character shall be made by post, courier, fax, electronic mail or through any other communication channel which allows identification and tracking down, and ensures its official character.

Article 46. - (1) The President of the Constitutional Court, having received the act of reference, shall designate the Judge-Rapporteur and the Assistant-Magistrate, by his dated signature and, depending on the case, shall set the date of the hearing.

(2) The act of reference shall be returned by the First Assistant-Magistrate to the Clerk, Registry and Archive Compartment, where - on that same day - it receives number from the Register of case file entry/exit and is recorded in the general Register of case files.

(3) Once the case has been duly assigned by the President of the Constitutional Court, the creation, photocopying and distribution of the case file record to the Constitutional Court Judges' offices and to the Assistant-Magistrate shall be forthwith carried out.

(4) Upon creation of a new case file folder, the following shall be noted on its cover: name of the Constitutional Court, case file number, authors of the referral, subject matter of referral and date of trial, once it has been fixed.

(5) The case file folder must have all paper files sewn and numbered; after adjudication of the case, the folder shall be laced up and sealed, and on the inside back cover the registry clerk shall certify the number of paper files in figures and words.

Article 47. - (1) If the reference act concerns the Court's powers under Article 146, subparagraph (d) of the Constitution, republished, the Judge-Rapporteur shall verify whether requirements provided by Article 29, paragraph (4) of Law no.47/1992, republished, have been met with and, if necessary, request additional pieces to complete the reference act, also setting a deadline for the referring court to respond.

(2) The staff from the Judges' offices shall draft the letters requesting the viewpoints as provided by Article 30, paragraph (1) of Law no.47/1992, republished, as well as the information sheets on domestic legislation and Constitutional Court case-law, subject to these Rules.

(3) If the Judge-Rapporteur or, at a later point, the Plenum so deems necessary, the referring court shall be requested to send the files of the original case in which the exception of unconstitutionality was raised, as well any other act, in certified copy, related to the case in which the exception of unconstitutionality was raised.

(4) The Judge-Rapporteur may solicit expert advice from individual persons or institutions, with prior approval by the President of the Constitutional Court.

(5) The Judge-Rapporteur, having examined the draft report, the viewpoints and other information made available, or conclusions from Romanian and foreign case-law and/or literature, as well as other elements that appear to be necessary for the debate, shall prepare a written report on the case.

(6) In cases provided under Article 146, paragraph (a), first thesis, paragraphs (b), (c), (d) and (k) of the Constitution, republished, the time limit for filing in the report shall be, as a rule, no longer than 90 days from the date of registration of the reference act.

(7) In the other cases, the time limit for filing in the report is established while taking into account the deadlines provided by law.

(8) In exceptional circumstances, when urgency requires, the President of the Constitutional Court may decide, after consulting the Judge-Rapporteur, to shorten the time limit stipulated in paragraph (6).

(9) The Assistant-Magistrate assigned to the case shall prepare proceedings for the debate.

Article 48. - (1) The date of trial shall be set by the President of the Court, subject to the law.

(2) In cases concerning settlement of exceptions of unconstitutionality, the date of trial shall be set upon submission of the report and cannot be fixed within less than 30 days.

(3) The Chief Clerk shall take measures to provide photocopies, for each of the Judges and the Assistant Magistrate assigned to the case, of the report prepared in the case, of duly received viewpoints in connection with the case, as well as other documents in the case file, if appropriate.

Article 49. - (1) Under the Assistant-Magistrate's guidance, the clerk shall prepare the draft summons and their notice and write down reports concerning other operative ways for calling appearance before the Constitutional Court.

(2) Preparation of draft summons and issuance of proceedings for calling appearance before the Constitutional Court shall be instantly carried out once the date of hearing has been fixed, in urgent cases, or on the next working day at the latest, in the other cases. The clerks who accomplish the summoning procedure shall mention the day of issuance thereof, on the summons forms.

(3) In cases regarding the settlement of an exception of unconstitutionality, notification of the parties can be made by summoning, as well as by other operative procedures, such as telephone, cable, fax, electronic mail or any other means of communication that ensures, as applicable, conveyance of wording contained in the act being communicated or in the notification of hearing date, as well as confirmation of receipt of the act concerned, respectively of the notification, where the parties have indicated necessary details for this purpose. If notification was made by telephone, the clerk shall prepare a report showing the means of such notification and subject matter.

(4) The summons shall specifically mention that appearance before the Constitutional Court is not compulsory.

(5) In the case of persons who have domicile or residence abroad, summons shall be in Romanian.

(6) In cases whose adjudication requires, subject to the law, attendance by the public prosecutor, the notification thereupon shall be communicated to him together with the act of reference to the Constitutional Court.

(7) The Assistant-Magistrate shall oversee the communication of copies of the acts of reference, follow up whether viewpoints as provided by law have been received and ensure that all pieces of work ordered by the President or by the Judge-Rapporteur, as the case may be, are being carried through.

Article 50. - (1) Proof of communication of the summons procedure shall be taken directly to the Clerk, Registry and Archive Compartment, received under signature, then attached to the case file, with due mention made by the registry clerk on the summons forms.

(2) At least 10 days before the hearing session, the Assistant-Magistrate must verify the legality of accomplished summoning or communication procedure which is attached into the case file, and establish other necessary steps, as appropriate.

(3) The day before the hearing session, the information sheet on domestic legislation and case-law of the Constitutional Court must be updated and attached to the case file.

(4) At least 24 hours before the hearing session, the Assistant-Magistrate shall check out if further pleadings, defence memorandums, viewpoints, acts or other information requested subject to the law, have been submitted to the case file.

(5) If procedural irregularities are found, the Assistant-Magistrate shall inform the President of the Constitutional Court.

(6) Verification mentioned under paragraphs (2) and (4) above shall be conducted also before commencement of the hearing.

Article 51. - (1) Extraction of files from the premises of the Constitutional Court is forbidden.

(2) Case files shall be made available for study to the parties or their legal representatives within the Clerk, Registry and Archive Compartment during public opening hours, after identification and having noted down the applicant's name and surname, while checking identity papers, powers of attorney or delegations, as well as whether files have been returned intact. The registry clerk shall be supervising the study of case files.

(3) At request by either of the parties or their legal representatives, the President may order the release of copies of documents from the Constitutional Court case file.

SECTION 3
Activity during the hearing session

Article 52. - The Assistant-Magistrate who has prepared the proceedings shall enter courtroom before the beginning of the hearing, and take on the cases as assigned to him/her.

Article 53. - (1) After the President has opened proceedings, the cases shall be called out by the Assistant-Magistrates, in the order established on the hearing list. The President, upon request by the parties or *ex officio*, can order that some files be called out with priority or left for the end of the session.

(2) For each and every case, the Assistant-Magistrate takes the call-over of the parties, thereafter reports about the manner in which the summoning procedure and other measures ordered by the Constitutional Court to the process have been accomplished, and gives a brief account on the case subject-matter and stage of the proceedings.

(3) The Assistant-Magistrate shall carry out, for each file, the provisions under Article 56 of Law no.47/1992, republished.

Article 54. - (1) Where proceedings or pronouncement in the case have been adjourned, the Assistant-Magistrate shall write down the fixed date in the Journal of judgement sessions, and within the next 24 hours prepare the interim order of adjournment, which must state the reasons for such measure.

(2) After drawing up the interim order, the Assistant-Magistrate shall hand over the case file to the clerk in order to accomplish the summoning procedure, as applicable, and ensure that any other measure ordered by the Constitutional Court is being carried through.

Article 55. - The auxiliary specialised staff who has been designated to attend the session proceedings shall announce entrance and exit of the Court's Plenum, to the public in the courtroom. When the Judges enter or withdraw, the public is commanded to rise.

SECTION 4
Activities during the session of deliberation

Article 56. - (1) Deliberation shall be in secret, and only the Judges who have also taken part in the debate proceedings and the Assistant-Magistrate assigned to the case are allowed to attend.

(2) If not all of the Judges who have taken part in the debate proceedings are present or where conditions provided by Article 58, paragraph (3) of Law no.47/1992, republished, are met, adjudication on the case shall be deferred for a later date. Postponement shall be written down in an interim order which is prepared by the Assistant-Magistrate and must state the reasons for such measure.

(3) If further clarification of certain aspects may appear to be necessary while in the process of deliberation or for lack of required concurrence by the majority established under Article 51, paragraph (1), second phrase of Law no.47/1992, republished, the President of the Constitutional Court may order that proceedings be re-opened, also fixing a new trial date. The Assistant-Magistrate shall prepare the interim order, which must state the reasons for such measure. Provisions of Article 54, paragraph (2) of these Rules shall apply accordingly.

(4) In cases provided under paragraphs (2) and (3) above, the interim orders shall be prepared within 24 hours, and the dates fixed thereupon shall be entered in the Journal of judgements sessions.

Article 57. - The Assistant-Magistrate ensures carrying out of provisions under Article 59 of Law no.47/1992, republished.

SECTION 5
Activities following the session of pronouncement

Article 58. - (1) The acts of the Constitutional Court shall be prepared in as many copies as needed in order to have them attached to the case file, communicated in the cases provided by law, and sent for publication to the Official Gazette of Romania, Part I.

(2) In case of unconstitutionality ascertained pursuant to Article 31 of Law no.47/1992, republished, the decision of the Court shall be

communicated to the two Chambers of Parliament, to the Government, as well as to the concerned public authorities.

(3) Decisions rendered in constitutional review proceedings provided by Article 146, subparagraph d) of the Constitution, republished, shall be communicated to the referring court or to the Advocate of the People, as the case may be.

(4) After drafting the decision, ruling, advisory opinion or interim order, the Assistant-Magistrate shall return the case file to the Clerk, Registry and Archives compartment.

Article 59. - Return of original documents filed in with the Constitutional Court shall be approved by the President of the Court upon motivated request made by the petitioner, and only if the document can be kept as paper copy, without so causing prejudice to either of the parties in proceedings. The document copy shall be certified for conformity by the Chief Clerk, who shall affix the Constitutional Court stamp on each and every page.

CHAPTER VIII

Disciplinary answerability

Article 60. - The rules of procedure on disciplinary answerability of the Constitutional Court Judges and personnel are established under these Rules.

Article 61. - (1) A disciplinary breach of duty is an act in connection with one's work, which consists in a culpable action or omission committed by the Constitutional Court Judges and personnel, in violation of legal norms, rules of organisation and functioning of the Constitutional Court, the resolutions of the Constitutional Court Plenum, internal regulations, individual employment contract, orders by the President, instructions from the superiors, or duties provided in the job description, as the case may be.

(2) The personnel of the Constitutional Court must keep confidentiality of the activity performed, except where, according to the law or these Rules, it has public character.

(3) Non-compliance with the provisions of paragraph (2) above shall entail disciplinary answerability.

Article 62. - A Judge of the Constitutional Court shall be disciplinarily answerable for a culpable breach of the provisions under Article 64 of Law no.47/1992, republished.

Article 63. - (1) Disciplinary proceedings against a Judge of the Constitutional Court may be taken only based upon written notice, which must be signed.

(2) Upon receiving such notice, the President of the Constitutional Court shall appoint, by his Order, a commission of disciplinary enquiry, made up of three Judges, to examine such notice.

(3) If the notice refers to the President of the Constitutional Court, these three Judges shall be designated by the Court's Plenum, by means of drawing lots, and such shall be written down in a resolution.

(4) One of the three Judges shall be appointed to chair over the commission of disciplinary enquiry.

(5) Disciplinary enquiry shall be conducted within 30 days from the date it was ordered. The Commission of disciplinary enquiry may order extension of the deadline by no longer than 30 days, if there are reasonable grounds to justify this measure.

(6) In order to conduct the disciplinary prior enquiry, the Judge shall be called before the disciplinary Commission by a written note specifying subject-matter, date, time and place of the meeting.

(7) The Judge's failure to appear, without objective reasons, at the meeting convened under the terms of paragraph (6), or his/her refusal to make statements shall be recorded in minutes, and cannot impede on further conduct of enquiry.

(8) During disciplinary prior enquiry, the Judge has the right to defence and argument all points in his / her defence, and to provide the Commission of enquiry with all evidence and reasons he/she deems necessary.

(9) If the Commission of disciplinary enquiry considers that the notice is unfounded, it shall draw up a report proposing the Constitutional Court's Plenum to dismiss the case. Within 20 days of taking cognizance of the disciplinary Commission's report, the Plenum must decide on the proposal made therein, by a resolution which shall be communicated to the person under enquiry.

(10) Where the Commission of disciplinary enquiry considers that the notice is properly founded, it shall prepare a report that has to be

submitted, together with the case file, to the Constitutional Court Plenum. Within 20 days of taking cognizance of the disciplinary Commission's report, the Plenum must adjudicate the disciplinary action, by a resolution which shall be communicated to the person concerned no later than 5 days after adoption. The resolution shall take effect as of the day of communication.

(11) A disciplinary action pursuant to paragraph (2) or (3), as applicable, may be initiated within the statutory period of limitations which is maximum one year as from when the Constitutional Court President or Plenum, as the case may be, have taken cognizance about the breach committed, but not later than two years as of the date when the breach was committed.

Article 64. - (1) The Plenum of the Constitutional Court may apply to a Judge, depending on gravity of the breach committed, one of the following disciplinary sanctions:

- a) warning;
- b) reduction of gross monthly remuneration by up to 15% over a period of one to three months;
- c) termination of the term of office as a Judge of the Constitutional Court.

(2) In the case of sanctions enforced according to paragraph (1), subparagraph c), the provisions of Articles 67 and 68 of Law no.47/1992, republished, shall be applied accordingly.

Article 65. - The resolution establishing a disciplinary breach of duty and the sanction shall be adopted by a majority vote of Judges.

(2) The resolution which orders a sanction shall comprise the following:

- a) description of the breach of duty subjected to disciplinary investigation and its legal classification;
- b) the legal ground for application of the sanction;
- c) the reasons for having dismissed the Judge's arguments in defence;
- d) the sanction imposed and the statement of reasons for the sanction application;
- e) the avenue of appeal, the deadline for filing an appeal against the resolution, and the competent court to adjudicate thereon.

Article 66. - (1) The resolution provided under Article

65 can be appealed against within 15 days of communication. Jurisdiction to hear the appeal lies with the 5 Judges' panel of the High Court of Cassation and Justice.

(2) An appeal suspends execution of the resolution by which the Constitutional Court Plenum has applied the disciplinary sanction.

(3) Judgment rendered on the appeal provided under paragraph (1) shall be final and irrevocable.

Article 67. - (1) Ascertainment of a disciplinary breach of duty committed by the Secretary General, and application of sanctions shall be within the competence of the Plenum of the Constitutional Court, which shall decide on the basis of the report drawn up by a disciplinary Commission, made up of three Judges appointed by Order of the President of the Constitutional Court.

(2) Provisions of Article 63 shall apply accordingly.

Article 68. - (1) The Constitutional Court Plenum, by a resolution adopted with the Judges' majority vote, may apply to the Secretary General, depending on gravity of the breach committed, one of the following disciplinary sanctions:

a) warning;

b) reduction of gross monthly salary by 5-10% over a period of one to three months;

c) removal from office.

(2) Provisions of Article 65 shall apply accordingly.

(3) The resolution of the Constitutional Court Plenum can be appealed against under the terms of the law.

Article 69. - (1) The Assistant-Magistrates shall be disciplinarily answerable for a culpable breach of the provisions of Law no.47/1992, republished, of Law no.303/2004, republished, and of these Rules.

(2) Provisions of Article 63 shall apply accordingly.

(3) The Commission of disciplinary enquiry shall request the viewpoint of the Body of Assistant-Magistrates in respect of the notice which served as a basis for initiation of disciplinary proceedings.

(4) Having carried out the disciplinary prior enquiry, the Commission of enquiry shall prepare a report, which it shall submit to the President of the Constitutional Court, for application of the disciplinary sanction. Within 20 days of taking cognizance of the disciplinary Commission's report, the President of the Constitutional

Court must decide, by his Order, on the disciplinary action or, as the case may be, bring the case before the Constitutional Court's Plenum, which shall adjudicate on the disciplinary action no later than 10 days, by a resolution.

(5) The President's Order on the disciplinary proceedings outcome or disciplinary sanction applied shall be communicated to the person concerned, within 5 days of issuance. The Order shall take effects as of the day of communication.

Article 70. - (1) Depending on gravity of breach committed, one of the following disciplinary sanctions can be applied to Assistant-Magistrates:

- a) warning;
- b) reduction of salary entitlements by up to 15%, for a period of one to three months;
- c) demotion from a senior position;
- d) exclusion from magistracy.

(2) Disciplinary sanctions under paragraph (1), subparagraphs a) and b), shall be applied by the President of the Constitutional Court, while those under paragraph (1), subparagraphs c) and d), by the Constitutional Court Plenum.

(3) Provisions of Articles 65 and 66 shall apply accordingly.

(4) If exclusion from magistracy was decided, the President of the Constitutional Court shall issue the order of dismissal after the expiry of the time limit set out in Article 66, paragraph (1), or after communication of the final judgment delivered, as the case may be.

Article 71. - (1) The auxiliary specialised staff of the Constitutional Court shall be disciplinarily answerable for culpable breach of the provisions of Law no.47/1992, republished, of Law no.567/2004, republished, as well as of these Rules.

(2) Disciplinary proceedings against the auxiliary specialised staff of the Constitutional Court may be taken only based upon written notice, which must be signed.

(3) Upon receiving such notice, the President of the Constitutional Court shall appoint, by his Order, a Commission of disciplinary enquiry made up of three members, in order to examine the case.

(4) The provisions of Article 63, paragraphs (5), (6), (7) and (8) of these Rules, as well as those of Article 88 of Law no.567/2004 shall apply accordingly.

(5) Having carried out the disciplinary prior enquiry, the Commission of enquiry shall prepare a report, which it shall submit to the President of the Constitutional Court, for application of the disciplinary sanction.

Article 72. - (1) The President of the Constitutional

Court can apply to the Court's auxiliary specialised staff, depending on gravity of the breach committed, one of the following sanctions:

a) warning;

b) reduction by 5-15% of salary and/or leadership allowance over a period of one to three months;

c) demotion in professional degree or professional level in the same office, for a period of one to three months;

d) demotion from a position of leadership;

e) exclusion from profession.

(2) Disciplinary sanctions shall be applied within 30 days as from when the Constitutional Court President has taken cognizance about the breach committed, but not later than one year as of the date when the breach was committed

(3) The disciplinary sanction shall be established by an Order; the provisions of Article 89, paragraphs (2), (3), (4) and (5) of Law no.567/2004 shall apply accordingly.

Article 73. - (1) The Constitutional Court personnel employed by contract shall be disciplinarily answerable for culpable breach of provisions under these Rules and the Internal Regulations.

(2) Initiation of disciplinary proceedings against the Constitutional Court personnel employed by contract can be made only based upon written notice, which must be signed.

(3) Upon receiving such notice, the President of the Constitutional Court shall appoint, by his Order, a Commission of disciplinary enquiry made up of three members, in order to examine the case.

(4) The provisions of Articles 250 – 252 of Law no.53/2003 – the Labour Code, republished, shall apply accordingly.

(5) Depending on gravity of the breach committed, the President of the Constitutional Court can apply to the Court's personnel employed by contract one of the following sanctions:

a) written warning;

b) demotion, with payment of salary corresponding to the lesser position reassigned, for a length that may not exceed 60 days;

c) reduction by 5-10% of basic salary, over a period of one to three months;

d) reduction of basic salary and/or, as applicable, leadership allowance by 5-10%, over a period of one to three months;

e) disciplinary termination of the individual employment contract.

(6) The disciplinary sanction shall be established by an Order; the provisions of Article 249 of Law no.53/2003, republished, shall apply accordingly.

Article 74. - (1) The Constitutional Court's specialised legal staff assimilated to the Assistant-Magistrates shall be disciplinarily answerable for culpable breach of provisions under these Rules and the Internal Regulations.

(2) Provisions of Article 73 shall apply accordingly.

Article 75. - The Constitutional Court Plenum resolutions or President orders ascertaining a disciplinary breach of duty shall be communicated, under signature, to the persons subjected to disciplinary enquiry proceedings and sanctions or, where they decline the receipt, by registered mail at their home or residence.

Article 76. - For all categories of personnel, the disciplinary sanction shall be automatically removed within 12 months after application, unless the person concerned was subjected to another disciplinary action within the same period. Deletion from the record of disciplinary sanctions shall be ascertained by an Order issued by the President of the Constitutional Court.

CHAPTER IX

Final provisions

Article 77. - The Constitutional Court organisation chart is given in the Annex which is part of these Rules.

Article 78. - The Constitutional Court establishes and fosters cooperation with similar authorities from abroad and may affiliate itself to international organisations in the area of constitutional justice.

Article 79. - Law-enforcing agents shall not be allowed to enter the Court precincts, unless so approved by the President.

Article 80. - The design of court attires (robes) and badges for Judges and Assistant-Magistrates shall be approved by the Constitutional Court Plenum. Manufacturing costs for robes and badges shall be covered from the Court's budget, subject to the law.

Article 81. - Any other regulations concerning the activity of the Constitutional Court shall be approved by the Plenum, with a majority vote of the Judges.

Article 82. - Within 30 days after entry into force of these Rules, a procedure for the release of copies of the documents from the Constitutional Court case files shall be prepared.

Article 83. - Within 6 months after entry into force of these Rules, the internal regulations of the Constitutional Court shall be prepared.

Article 84. - Within 90 days after the entry into force of these Rules, an inventory of all assets managed by the Constitutional Court library shall be conducted, so that such be transferred, based on a handover report, from the Administrative and Public Procurement Section into the Research, Documentation and Library Compartment.