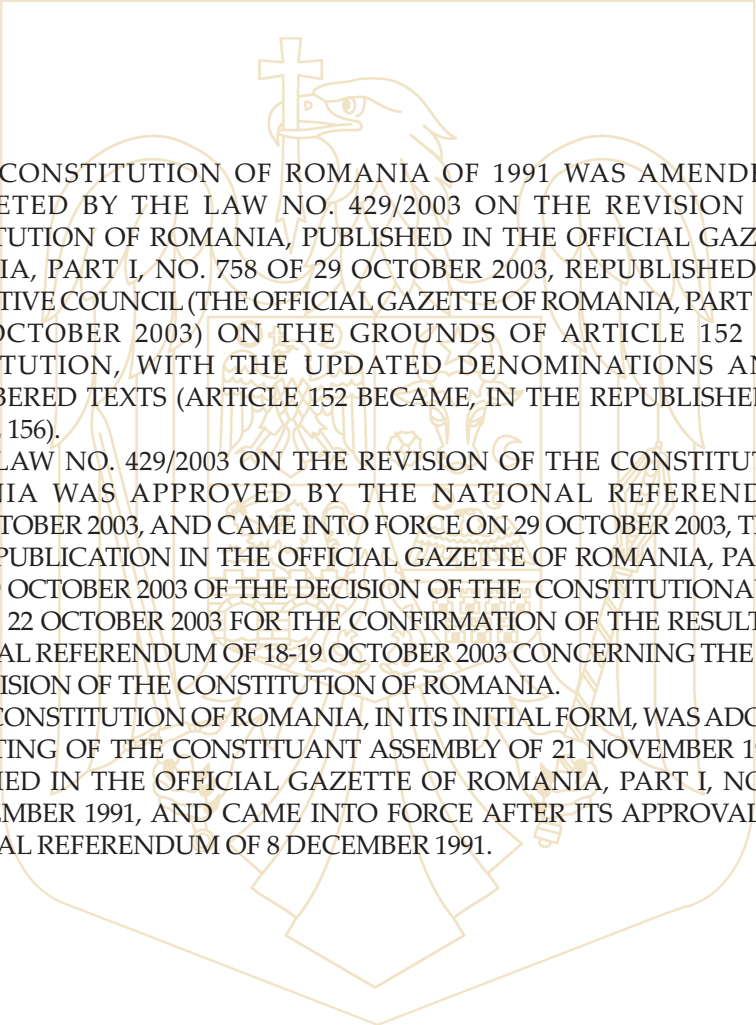


**CONSTITUTION OF ROMANIA**  
**– republished –**



THE CONSTITUTION OF ROMANIA OF 1991 WAS AMENDED AND COMPLETED BY THE LAW NO. 429/2003 ON THE REVISION OF THE CONSTITUTION OF ROMANIA, PUBLISHED IN THE OFFICIAL GAZETTE OF ROMANIA, PART I, NO. 758 OF 29 OCTOBER 2003, REPUBLISHED BY THE LEGISLATIVE COUNCIL (THE OFFICIAL GAZETTE OF ROMANIA, PART I, NO. 767 OF 30 OCTOBER 2003) ON THE GROUNDS OF ARTICLE 152 OF THE CONSTITUTION, WITH THE UPDATED DENOMINATIONS AND THE RENUMBERED TEXTS (ARTICLE 152 BECAME, IN THE REPUBLISHED FORM, ARTICLE 156).

THE LAW NO. 429/2003 ON THE REVISION OF THE CONSTITUTION OF ROMANIA WAS APPROVED BY THE NATIONAL REFERENDUM OF 18-19 OCTOBER 2003, AND CAME INTO FORCE ON 29 OCTOBER 2003, THE DATE OF THE PUBLICATION IN THE OFFICIAL GAZETTE OF ROMANIA, PART I, NO. 758 OF 29 OCTOBER 2003 OF THE DECISION OF THE CONSTITUTIONAL COURT NO. 3 OF 22 OCTOBER 2003 FOR THE CONFIRMATION OF THE RESULT OF THE NATIONAL REFERENDUM OF 18-19 OCTOBER 2003 CONCERNING THE LAW ON THE REVISION OF THE CONSTITUTION OF ROMANIA.

THE CONSTITUTION OF ROMANIA, IN ITS INITIAL FORM, WAS ADOPTED IN THE SITTING OF THE CONSTITUANT ASSEMBLY OF 21 NOVEMBER 1991, WAS PUBLISHED IN THE OFFICIAL GAZETTE OF ROMANIA, PART I, NO. 233 OF 21 NOVEMBER 1991, AND CAME INTO FORCE AFTER ITS APPROVAL BY THE NATIONAL REFERENDUM OF 8 DECEMBER 1991.



**CONSTITUTION  
OF ROMANIA  
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Descrierea CIP a Bibliotecii Naționale a României  
ROMÂNIA  
[Constituție]  
Constitution of Romania. – București: Monitorul  
Oficial R.A., 2012  
ISBN 978-973-567-770-1  
342.4(498)“1991”



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# CONSTITUTION OF ROMANIA

– republished –



## TITLE I

### General principles

#### ARTICLE 1

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

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

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

(4) The State shall be organized based on the principle of the separation and balance of powers – legislative, executive,



and judicial – within the framework of constitutional democracy.

(5) In Romania, the observance of the Constitution, of its supremacy and that of the laws shall be mandatory.



## ARTICLE 2

### Sovereignty

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

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

## ARTICLE 3

### Territory

(1) The territory of Romania is inalienable.

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

(3) The territory is organized administratively into communes, towns and counties. Some towns are declared municipalities, according to the provisions of the law.

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





ARTICLE 4

**Unity of the people  
and equality  
among citizens**

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

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

ARTICLE 5

**Citizenship**

(1) Romanian citizenship may be acquired, preserved or lost as provided by the organic law.

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

ARTICLE 6

**Right to identity**

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

(2) The protection measures taken by the Romanian State for the preservation, development and expression of identity of persons belonging to national minorities must be consistent with the principles of equality and non-discrimination in relation to the other Romanian citizens.



#### ARTICLE 7

##### **Romanians living abroad**

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

#### ARTICLE 8

##### **Pluralism and political parties**

(1) Pluralism in the Romanian society is a prerequisite and a guarantee of constitutional democracy.

(2) Political parties are established and pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order and the principles of democracy.

#### ARTICLE 9

##### **Trade unions, employers' associations, and vocational associations**

Trade unions, employers' associations, and vocational associations shall be established and shall carry out their activity according to their statutes, subject to the law. They shall contribute to the protection of the rights and the promotion of their members' vocational, economic, and social interests.





## ARTICLE 10

### **International relations**

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

## ARTICLE 11

### **International law and domestic law**

(1) The Romanian State pledges to fulfil as such and in good faith its obligations as deriving from the treaties to which it is a party.

(2) Once ratified by Parliament, according to the law, treaties are part of domestic law.

(3) If a treaty to which Romania is to become a party comprises provisions contrary to the Constitution, ratification shall only take place after the revision of the Constitution.

## ARTICLE 12

### **National symbols**

(1) The flag of Romania is tricolour; the colours are arranged vertically in the following order from the flag-pole: blue, yellow, red.

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

(3) The national anthem of Romania is “Deșteaptă-te române”.

(4) The country’s coat of arms and the State’s seal shall be established by organic laws.



## ARTICLE 13

**Official language** In Romania, the official language is Romanian.

**Capital**

**ARTICLE 14**  
The Capital of Romania is the Municipality of Bucharest.

## TITLE II

### Fundamental rights, freedoms and duties

#### CHAPTER I

#### Common provisions

## ARTICLE 15

**Universality**

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

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





## ARTICLE 16

### **Equality of rights**

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

(2) No one is above the law.

(3) Access to public, civil, or military positions or dignities may be granted, according to the law, to persons who are Romanian citizens and have their domicile in Romania. The Romanian State shall guarantee equal opportunities for men and women in order to accede to such positions and dignities.

(4) Under the terms of Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected to the local public administration bodies.

## ARTICLE 17



### **Romanian citizens while abroad**



Romanian citizens while abroad shall enjoy the protection of the Romanian State and shall be bound to fulfil their duties, with the exception of those incompatible with their absence from the country.

## ARTICLE 18

### **Aliens and stateless persons**

(1) Aliens and stateless persons living in Romania shall enjoy general protection of persons and assets, as guaranteed by the Constitution and other laws.





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

#### ARTICLE 19

##### **Extradition and expulsion**

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

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

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



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

#### ARTICLE 20

##### **International treaties on human rights**

(1) Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties to which Romania is a party.

(2) Where any inconsistencies exist between the covenants and treaties on the fundamental human rights to which



Romania is a party, and the domestic laws, the international regulations shall prevail, unless the Constitution or domestic laws comprise more favourable provisions.

#### ARTICLE 21

**Free access to justice**

(1) Every person is entitled to address the courts in order to defend his rights, freedoms and legitimate interests.

(2) The exercise of this right shall not be restricted by any law.

(3) Parties shall be entitled to a fair trial and to have their cases solved within a reasonable term.

(4) Administrative special jurisdictions are optional and free of charge.

#### CHAPTER II

#### Fundamental rights and freedoms

#### ARTICLE 22

**Right to life, to physical and mental integrity**

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

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

(3) The death penalty is abolished.



## ARTICLE 23

### **Individual freedom**

(1) Individual freedom and security of a person are inviolable.

(2) Search, taking into temporary custody, or arrest of a person shall be permitted only in the cases and under the procedure provided by law.

(3) Temporary police custody shall not exceed twenty-four hours.

(4) Pre-trial detention shall be ordered by a judge and only during of criminal proceedings.



(5) During criminal proceedings, pre-trial detention may be ordered for 30 days at the most and extended for 30 days at the most each, without the overall length exceeding a reasonable term, and no longer than 180 days.

(6) During trial proceedings, the court is bound, according to the law, to review, on a regular basis and no later than 60 days, the lawfulness and grounds of the pre-trial detention, and to order at once the release of the defendant if the grounds for his detention have ceased to exist or if the court finds there are no new grounds justifying the continuance of such deprivation of liberty.

(7) Intermediate rulings made by the court as to pre-trial detention are subject to appeal as prescribed by law.

(8) Any person detained or arrested shall be promptly informed, in a language he understands, of the grounds for his





detention or arrest, and notified of the charges against him, as soon as practicable; the notification of the charges shall be made only in the presence of a lawyer of his own choosing or appointed *ex officio*.

(9) The release of a detained or arrested person shall be mandatory if the reasons for such measures have ceased to exist, as well as under other circumstances stipulated by the law.

(10) A person detained pending trial shall have the right to apply for provisional release, under judicial supervision or on bail.

(11) Any person shall be presumed innocent until found guilty by a final decision of the court.

(12) Punishments shall be established or applied only in accordance with and based on the law.

(13) The freedom deprivation sanction can only pertain to a criminal trial.

#### ARTICLE 24



**Right to defence** (1) The right to defence is guaranteed.



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

#### ARTICLE 25

**Freedom of movement**

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





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

**ARTICLE 26**

**Personal family  
and private life**

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



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



**ARTICLE 27**

**Inviolability  
of domicile**

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

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

- a) Carrying into execution an arrest warrant or a court order;
  - b) Averting threats at someone's life, physical integrity, or a person's assets;
  - c) Defending national security or public order;
  - d) Preventing the spread of an epidemic.
- 
- 



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

(4) Searches during night time shall be forbidden, except in cases of *flagrante delicto*.



**ARTICLE 28**

**Secrecy of correspondence**

Secrecy of letters, telegrams and other postal communications, of telephone conversations, and of any other legal means of communication is inviolable.

**ARTICLE 29**

**Freedom of conscience**



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

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

(3) All religions shall be free and organized in accordance with their own statutory rules, under the terms laid down by law.

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

(5) Religious cults are autonomous from the State and shall enjoy support from it, including the facilitation of religious





assistance in the army, in hospitals, prisons, homes and orphanages.

(6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children under their responsibility.

#### ARTICLE 30

#### Freedom of expression

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

(2) Any kind of censorship shall be prohibited.



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

(4) No publication may be suppressed.

(5) The law may require that the mass media the obligation to disclose their financing source.

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

(7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morals are prohibited by law.



(8) Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offences of the press shall be established by law.

#### ARTICLE 31

#### **Right to information**

(1) A person's right of access any information of public interest shall not be restricted.

(2) The public authorities, according to their competence, shall be bound to provide correct information to the citizens on public affairs and matters of personal interest.

(3) The right to information must not be prejudicial to the measures of protection of young people or national security.

(4) Public and private media is bound to provide correct information to the public opinion.

○ (5) Public radio and television services shall be autonomous. They must guarantee all important social and political groups the exercise of the right to broadcasting time. The organization of these services and the parliamentary oversight of their activity shall be regulated by organic law.



**Right to  
education**

**ARTICLE 32**



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

(2) Education at all levels shall be carried out in Romanian. Education may also be carried out in a foreign language of international use, under the terms laid down by law.

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

(4) Public education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from underprivileged families and to those institutionalized, as stipulated by law.

(5) Education at all levels shall be conducted in public, private, or confessional institutions, according to the law.

(6) The autonomy of universities is guaranteed.

(7) The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organized and guaranteed by law.





## ARTICLE 33

### **Access to culture**

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

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

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



## ARTICLE 34

### **Right to health protection**

(1) The right to health protection is guaranteed.

(2) The State must take measures to ensure public hygiene and health.

(3) The organization of the medical care and social security system in case of illness, accidents, motherhood and recovery, the supervision of the exercise of medical professions and paramedical professions, as well as other measures to protect physical and mental health of a person shall be established according to the law.



ARTICLE 35

**Right to a healthy environment**

(1) The State shall acknowledge the right of every person to a healthy, well preserved and ecologically balanced environment.

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

(3) Natural and legal persons shall be bound to protect and improve the environment.

**Right to vote**

(1) Every citizen having turned eighteen up to or on the election day has the right to vote.



(2) Mentally deficient or alienated persons, laid under judicial interdiction, as well as the persons disenfranchised by a final decision of the court cannot vote.

**Right to be elected**

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

(2) Candidates must have turned, up to or on the election day, at least twenty-three in order to be elected to the





Chamber of Deputies or the bodies of local public administration, at least thirty-three in order to be elected to the Senate, and at least thirty-five in order to be elected to the office of President of Romania.

**ARTICLE 38**

**Right to be elected to the European Parliament**

After Romania's accession to the European Union, Romanian citizens shall have the right to elect and be elected to the European Parliament.

**ARTICLE 39**

**Freedom of assembly**

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

**ARTICLE 40**

**Freedom of association**

(1) Citizens may freely associate into political parties, trade unions, employers' associations, and other forms of association.

(2) The political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity



or independence of Romania shall be unconstitutional.

(3) Judges of the Constitutional Court, the advocates of the people, magistrates, active members of the Armed Forces, policemen and other categories of civil servants, established by organic law, are forbidden to join political parties.

(4) Secret associations are prohibited.

#### ARTICLE 41

#### Labour and social protection of labour



(1) The right to work may not be restricted. Everyone has a free choice of his profession, trade or occupation, as well as workplace.

(2) All employees have the right to measures of social protection. These concern the employees' safety and health, working conditions for women and young people, the setting up of a minimum gross salary per economy, weekly rest periods, paid rest leave, work performed under difficult and special conditions, training courses as well as other specific conditions, as stipulated by law.

(3) The normal duration of a working day is of maximum eight hours, on average.

(4) For equal work with men, women shall get equal wages.

(5) The right to collective labour bargaining and the binding force of collective agreements shall be guaranteed.





**ARTICLE 42**

**Prohibition of forced labour**



- (1) Forced labour is prohibited.
- (2) Forced labour does not include:
- a) activities in carrying out the military service, as well as activities performed in lieu thereof, according to the law, due to religious or conscience-related reasons;
  - b) the work of a sentenced person, carried out under normal conditions, during detention or conditional release;
  - c) any services required to deal with a calamity or any other danger, as well as those which are part of normal civil obligations as established by law.



**Right to strike**

- ARTICLE 43**
- (1) Employees have the right to strike in defence of their professional, economic and social interests.
- (2) The law shall regulate the conditions and limits governing the exercise of this right, as well as the guarantees necessary to ensure essential services for the society.

**ARTICLE 44**

**Right to private property**

- (1) The right to property, as well as the debts incurring on the State are guaranteed. The content and limits of these rights shall be established by law.
- 
- 



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

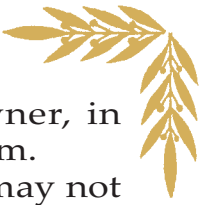

(3) No one may be expropriated, except on grounds of public utility, established according to the law, with just compensation paid in advance.

(4) Nationalization or any other measure of forcible transfer of assets into the public property on account of the owners' social, ethnic, religious, political affiliation, or other discriminatory features shall be forbidden.

(5) For projects of general interest, the public authorities are entitled to use the subsoil of any real estate with the obligation to pay compensation to its owner for the damages caused to the soil, plantations or buildings, as well as for other damages imputable to these authorities.

(6) Compensations provided under paragraphs (3) and (5) shall be agreed upon with the owner, or by the decision of the court when a settlement cannot be reached.

(7) The right to property compels to the observance of the duties relating to environmental protection and ensurance of neighbourliness, as well as of other



duties incumbent upon the owner, in accordance with the law or custom.

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

(9) Any goods intended for, used or resulting from criminal offences or misdemeanours may be confiscated only in accordance with the provisions of the law.

#### ARTICLE 45

**Economic freedom**

Free access of persons to an economic activity, free enterprise, and their exercise under the law shall be guaranteed.

#### ARTICLE 46

**Right of inheritance**

The right of inheritance is guaranteed.

#### ARTICLE 47

**Standard of living**

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

(2) Citizens have the right to pensions, paid maternity leave, medical care in public health centres, unemployment benefits, and other forms of public or private social securities, as stipulated by the law. Citizens have the right to social assistance, according to the law.



## ARTICLE 48

### Family

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

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

(3) Children born out of wedlock are equal before the law with those born in wedlock.

## ARTICLE 49

### Protection of children and young people

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

(2) The State shall grant allowances for children and aids for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.

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

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

(5) The public authorities must contribute to ensure the conditions for the free participation of young people in the





political, social, economic, cultural and sport life of the country.

**ARTICLE 50**

**Protection of disabled persons**

Disabled persons enjoy special protection. The State must ensure the implementation of a national policy of equal opportunities, disability prevention and treatment, so that disabled persons can effectively participate in the life of the community, while observing the rights and duties of their parents or legal guardians.

**ARTICLE 51**

**Right to petition**

(1) Citizens have the right to address the public authorities by petitions formulated only in the name of the signatories.

(2) Lawfully established organizations have the right to forward petitions, exclusively on behalf of the collective body they represent.



(3) The exercise of the right of petition shall be exempt from tax.

(4) Public authorities must answer petitions within the time limits and under the conditions established by law.

**ARTICLE 52**

**Right of a person aggrieved by a public authority**

(1) Any person aggrieved in his rights or legitimate interests by a public authority, by means of an administrative act or by



the failure of a public authority to solve his application within the time-limit established by law, is entitled to the acknowledgement of his claimed right or legitimate interest, the annulment of the act and reparation for the damage suffered.

(2) The conditions and limits on the exercise of this right shall be regulated by an organic law.

(3) The State shall bear pecuniary liability for any prejudice caused by a miscarriage of justice. The State liability is determined according to the law and shall not eliminate fault liability of the magistrates having exercised their vested powers in ill-faith or grave negligence.

#### ARTICLE 53

#### **Restriction on the exercise of certain rights or freedoms**

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

(2) Such restriction shall only be ordered if necessary in a democratic society. The measure shall be proportional to the situation having caused it, applied without discrimination, and without prejudice to the existence of such right or freedom.





CHAPTER III  
Fundamental duties

ARTICLE 54

**Faithfulness  
towards  
the country**

(1) Faithfulness towards the country is sacred.

(2) Citizens entrusted with public offices, as well as the military are liable for the loyal fulfilment of the obligations assigned to them, and shall, for this purpose, take the oath as requested by law.

**Defence  
of the country**

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

(2) The terms for carrying out the military service shall be set up by organic law.



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

ARTICLE 56

**Financial  
contributions**

(1) Citizens are under the obligation to contribute to public expenditure, through taxes and fees.

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



(3) Any other dues shall be prohibited, except for those determined by law, under exceptional circumstances.

**ARTICLE 57**

**Exercise of rights and freedoms**

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

**CHAPTER IV  
The Advocate of the People**

**ARTICLE 58**

**Appointment and role**

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


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

(3) The organization and functioning of the Advocate of the People institution shall be regulated by organic law.

**ARTICLE 59**

**Exercise of powers**

(1) The Advocate of the People shall exercise his powers *ex officio* or upon



request by persons aggrieved in their rights and freedoms, within the limits established by law.

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

#### ARTICLE 60

#### **Report before Parliament**

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

### TITLE III

## **Public authorities**

### CHAPTER I Parliament

#### *Section 1 Organization and functioning*

#### ARTICLE 61

#### **Role and structure**

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

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



## ARTICLE 62

### Election of the Chambers

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

(2) Organizations of citizens belonging to national minorities, which fail to obtain the number of votes required for representation in Parliament, have the right to one Deputy seat each, under the terms of the election law. Citizens of a national minority are entitled to be represented by one single organization.

(3) The number of Deputies and Senators shall be established by the election law, in proportion to the overall population of Romania.

## ARTICLE 63



### Length of office

(1) The Chamber of Deputies and the Senate are elected for a term of office of 4 years, which may be extended *de jure* in the event of mobilization, war, siege, or emergency, until such event has ceased to exist.

(2) Elections to the Chamber of Deputies and the Senate shall be held within three months at the most of the expiry of the term of office or Parliament dissolution.

(3) The newly elected Parliament shall meet upon convening by the President of Romania, within twenty days of the elections.

(4) The Chambers' term of office shall be extended until the new Parliament has



lawfully convened. During this period, the Constitution shall not undergo any revision, nor shall any organic laws be passed, amended or repealed.

(5) Bills or legislative proposals entered on the agenda of the preceding Parliament shall be carried continued to the session of the new Parliament.

#### ARTICLE 64

#### Organizational structure

(1) The organization and functioning of each Chamber shall be regulated by its own Standing Orders. Financial resources of the Chambers shall be provided for in the budgets approved by them.

(2) Each Chamber shall elect its Standing Bureau. The President of the Chamber of Deputies and the President of the Senate shall be elected for the duration of the Chambers' term of office. The other members of the Standing Bureaus shall be elected at the opening of each session. The members of the Standing Bureaus may be dismissed before the expiry of the term of office.

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

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

(5) The Standing Bureaus and parliamentary Committees shall be made up so



as to reflect the political spectrum of each Chamber.

#### ARTICLE 65

##### **Sittings of the Chambers**

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

(2) The Chambers may also meet in joint sittings, based on the regulations passed by a majority vote of the Deputies and Senators, in order:

a) to receive the message of the President of Romania;

b) to approve the State budget and the State social security budget;

c) to declare general or partial mobilization;

d) to declare a state of war;

e) to suspend or terminate armed hostilities;

f) to approve the national strategy of homeland defence;

g) to examine reports of the Supreme Council of National Defence;

h) to appoint, based on proposals by the President of Romania, the directors of the intelligence services, and to exercise oversight of the activity of such services;

i) to appoint the Advocate of the People;

j) to establish the legal status of Deputies and Senators, their emoluments, and other rights;

k) to fulfil any other prerogatives, which – in accordance with the Constitution



or the Standing Orders – shall be exercised in a joint sitting.

#### ARTICLE 66

##### Sessions

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

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

(3) Each Chamber shall be convened by its President.

#### ARTICLE 67


**Acts of Parliament and legal quorum** The Chamber of Deputies and the Senate shall pass laws, and carry resolutions and motions, in the presence of the majority of their members.

#### ARTICLE 68

##### Publicity of sittings

(1) The sittings of both Chambers shall be public.

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



*Section 2*  
*Statute of Deputies and Senators*

**ARTICLE 69**

**Representative  
mandate**

(1) In the exercise of their mandate Deputies and Senators shall be in the service of the people.

(2) Any compelling mandate shall be null.

**ARTICLE 70**

**Term of office  
of Deputies  
and Senators**

(1) Deputies and Senators shall begin the exercise of their office on the day the Chamber whose members they are has lawfully met, provided that the election is validated and the oath is taken. The form of the oath shall be regulated by organic law.

(2) The office of Deputy or Senator shall cease on the same day the newly elected Chambers shall lawfully meet, or in case of resignation, disenfranchisement, incompatibility, or death.

**ARTICLE 71**

**Incompatibilities**

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

(2) The office of Deputy or Senator is incompatible with the exercise of any public office in authority, with the exception of Government membership.

(3) Other incompatibilities shall be established by organic law.





**Parliamentary  
immunity**

**ARTICLE 72**

(1) No Deputy or Senator shall be held legally responsible for the votes cast or the political opinions expressed while exercising their office.

(2) Deputies and Senators may be subject to criminal investigation, or criminally prosecuted for acts that are not connected with their votes or their political opinions expressed in the exercise of their office, but shall not be searched, detained or arrested without the consent of the Chamber they belong to, after being duly heard. Investigation and prosecution shall only be carried out by the Public Prosecutor's Office attached to the High Court of Cassation and Justice. The High Court of Cassation and Justice shall have jurisdiction over this case.

(3) In case of a crime committed in *flagrante delicto*, Deputies or Senators may be taken into temporary custody and searched. The Minister of Justice shall inform without delay the president of the Chamber in question on the detainment and search. If, after being notified, the Chamber in question finds there are no grounds for the detainment, it shall order the annulment of such a measure at once.

*Section 3  
Legislation and procedure*

**ARTICLE 73**

(1) Parliament enacts constitutional, organic, and ordinary laws.



**Classes  
of laws**





(2) Constitutional laws are those pertaining to the revision of the Constitution.

(3) Organic laws shall regulate:

a) The electoral system; the organization and functioning of the Permanent Electoral Authority;

b) The organization, functioning, and financing of political parties;

c) The statute of Deputies and Senators, the establishment of their emoluments and their other rights;

d) The organization and holding of a referendum;

e) The organization of the Government and of the Supreme Council of National Defence;

f) The state of partial or total mobilization of the armed forces and the state of war;

g) The state of siege and emergency;

h) Criminal offences, penalties, and the execution thereof;

i) The granting of amnesty or collective pardon;

j) The statute of public servants;



k) Administrative proceedings;



l) The organization and functioning of the Superior Council of Magistracy, the courts of law, the Public Ministry, and the Court of Audit;

m) The general legal status of property and inheritance;

n) The general organization of education;

o) The organization of local public administration, territory, as well as the general rules on local autonomy;



- 
- 
- p) The general rules covering labour relations, trade unions, employers' associations, and social protection;
- r) The statute of national minorities in Romania;
- s) The general statutory rules of religious cults;
- t) The other fields for which the Constitution stipulates the enactment of organic laws.

#### ARTICLE 74



#### Legislative initiative

(1) Legislative initiative shall lie, as the case may be, with the Government, Deputies, Senators, or a number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative.

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

(3) The Government shall exercise its legislative initiative by introducing bills to the Chamber having competence for its enactment, as the primary Chamber referred to.

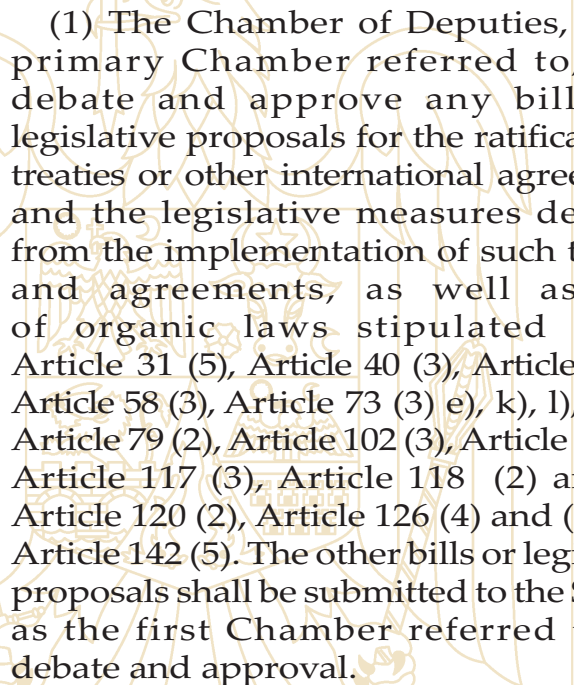
(4) Deputies, Senators and citizens exercising the right of legislative initiative may present proposals only in the form required for bills.



(5) Legislative proposals shall be first submitted for debate to the Chamber having competence for its enactment, as the first Chamber referred to.

#### ARTICLE 75



**Referral to  
the Chambers**



(1) The Chamber of Deputies, as the primary Chamber referred to, shall debate and approve any bills and legislative proposals for the ratification of treaties or other international agreements and the legislative measures deriving from the implementation of such treaties and agreements, as well as bills of organic laws stipulated under Article 31 (5), Article 40 (3), Article 55 (2), Article 58 (3), Article 73 (3) e), k), l), n), o), Article 79 (2), Article 102 (3), Article 105 (2), Article 117 (3), Article 118 (2) and (3), Article 120 (2), Article 126 (4) and (5), and Article 142 (5). The other bills or legislative proposals shall be submitted to the Senate, as the first Chamber referred to, for debate and approval.

(2) The primary Chamber thus referred to shall decide within 45 days. For codes and other extremely complex laws, the time limit will be of 60 days. If such time limits are exceeded, it shall be deemed that the bill or legislative proposal has been passed.

(3) Once a bill or legislative proposal is passed by the primary Chamber, the bill or



legislative proposal shall be sent to the other Chamber, which will make a final decision.

(4) In the event the primary Chamber adopts a provision which, under paragraph (1), falls under its decision-making competence, the provision shall be finally passed if the other Chamber gives consent. Otherwise, for the provision in question alone, the bill shall be returned to the primary Chamber, which shall finally decide in any urgency procedure.

(5) The provisions under paragraph (4) concerning the return of a bill shall also apply accordingly if the next deciding Chamber should adopt a provision for which the decision-making competence belongs to the primary Chamber.

#### ARTICLE 76

#### Passing of bills and resolutions

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

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

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



## ARTICLE 77

### **Promulgation of laws**

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

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

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

## ARTICLE 78



### **Coming into force of laws**

The law shall be published in the Official Gazette of Romania and shall come into force 3 days after its publication date, or at a subsequent date stipulated therein.

## ARTICLE 79

### **Legislative Council**

(1) The Legislative Council is a specialized consultative body of Parliament, that advises on draft normative acts for the purpose of a systematic unification and coordination of the whole body of laws. It shall keep the official record of the legislation of Romania.



(2) The setting up, organization and functioning of the Legislative Council shall be regulated by organic law.

**CHAPTER II**  
**The President of Romania**

**ARTICLE 80**

**Role  
of the President**

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

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

**ARTICLE 81**

**Election  
of the President**

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

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

(3) If no candidate has obtained such a majority, a second ballot shall be held between the first two candidates highest in the order of the number of votes cast for them in the first ballot. The candidate having the greatest number of votes shall be declared elected.



(4) No one may hold the office of President of Romania but for two terms of office at the most, that can also be consecutive.

#### ARTICLE 82

##### **Validation of mandate and oath-taking**

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

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

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

#### ARTICLE 83

##### **Term of office**

(1) The term of office of the President of Romania is five years, being exercised from the date the oath was taken.

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

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





ARTICLE 84

**Incompatibilities  
and immunities**

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

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

ARTICLE 85

**Appointment of  
the Government**

(1) The President of Romania shall designate a candidate to the office of Prime Minister and appoint the Government on the basis of the vote of confidence of the Parliament.

(2) In the event of government reshuffle or vacancy of office, the President shall dismiss and appoint, upon proposal of the Prime Minister, some members of the Government.

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

ARTICLE 86

**Consultation with  
the Government**

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





ARTICLE 87

**Participation  
in meetings of  
the Government**

(1) The President of Romania may participate in the meetings of the Government debating upon matters of national interest with regard to foreign policy, the defence of the country, ensurance of public order, and, at the Prime Minister's request, in other instances as well.

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

ARTICLE 88

**Messages**

The President of Romania shall address messages to the Parliament on the main political issues of the nation.

ARTICLE 89

**Dissolution  
of Parliament**

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

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

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



**ARTICLE 90**

**Referendum**

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

**ARTICLE 91**

**Powers in matters of foreign policy**

(1) The President shall, in the name and on behalf of Romania, conclude international treaties negotiated by the Government, and then submit them to the Parliament for ratification, within a reasonable time limit. The other treaties and international agreements shall be concluded, approved, or ratified according to the procedure set up by law.



(2) The President shall, upon proposal of the Government, accredit and recall diplomatic envoys of Romania, and approve the setting up, closing down or change in rank of diplomatic missions.



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

**ARTICLE 92**

**Powers in matters of defence**

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





(2) He may declare, with prior approval by Parliament, partial or general mobilization of the Armed Forces. Only in exceptional cases the decision of the President shall be subsequently submitted for approval to Parliament, within five days of the adoption thereof.

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



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

#### ARTICLE 93

#### Emergency measures

(1) The President of Romania shall, according to the law, institute the state of siege or state of emergency in the entire country or in some territorial-administrative units, and ask for the Parliament's approval for the measure adopted, within 5 days of the date of taking it, at the latest.

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





## ARTICLE 94

### Other powers

The President of Romania shall also have the following powers:

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



## ARTICLE 95

### Suspension from office

(1) In case of having committed serious offences in violation of the constitutional provisions, the President of Romania may be suspended from office by the Chamber of Deputies and the Senate, in joint sitting, by a majority vote of Deputies and Senators, and after seeking opinion from the Constitutional Court. The President may explain before Parliament with regard to imputations brought against him.

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


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



## ARTICLE 96



### Impeachment

(1) The Chamber of Deputies and the Senate may decide the impeachment of





the President of Romania for high treason, in a joint session, with the vote of at least two-thirds of the number of Deputies and Senators.

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

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

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

#### ARTICLE 97

#### Vacancy of office



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

(2) Within three months of the date when the office of President of Romania fell vacant, the Government shall organize elections for a new President.

#### ARTICLE 98

#### Interim of office

(1) In case of vacancy of the office of President, or if the President is suspended from office or is temporarily unable to exercise his powers, the interim shall



devolve, in this order, on the President of the Senate or the President of the Chamber of Deputies.

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

#### ARTICLE 99

#### Responsibility of the Acting President

If the person acting as President of Romania has committed a serious offence in violation of the constitutional provisions, Articles 95 and 98 shall be applied accordingly.

#### ARTICLE 100

#### Acts of the President



(1) In the exercise of his powers, the President of Romania shall issue decrees, which shall be published in the Official Gazette of Romania. Failure to publish any of the decrees entails their non-existence.

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

#### ARTICLE 101

#### Emolument and other rights

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





CHAPTER III  
The Government

ARTICLE 102

**Role and structure**

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

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

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

ARTICLE 103

**Investiture**

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

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

(3) The programme and list of the Government shall be taken up for debate by the Chamber of Deputies and the





Senate, in joint sitting. Parliament shall grant its confidence to the Government by a majority vote of Deputies and Senators.

**ARTICLE 104**

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

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

**ARTICLE 105**

**Incompatibilities** (1) Membership of the Government is incompatible with the exercise of any other public office in authority, except for the office of a Deputy or Senator. Likewise, it shall be incompatible with the exercise of any office of professional representation paid by a trading organization.

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

**ARTICLE 106**

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



## ARTICLE 107

**The Prime Minister** (1) The Prime Minister heads the Government and coordinates the activity of its members, with the observance of the powers and duties incumbent on them. Likewise, he shall submit to the Chamber of Deputies or the Senate reports and statements on Government policies, to be debated with priority.

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

(3) If the Prime Minister finds himself in one of the situations stipulated under Article 106, except for removal from office, or if he is unable to exercise his powers, the President of Romania shall designate another member of the Government as Acting Prime Minister, in order to discharge the powers of the Prime Minister, until a new Government is formed. The interim, during the Prime Minister's impossibility to exercise the powers of the said office, shall cease if the Prime Minister resumes his activity within the Government.

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

## ARTICLE 108

**Acts of  
the Government**

(1) The Government shall adopt decisions and ordinances.

(2) Decisions shall be issued to organize the enforcement of laws.





(3) Ordinances shall be issued under a special law for delegated powers, within the limits and in conformity with the provisions thereof.

(4) Decisions and ordinances issued by the Government shall be signed by the Prime Minister, countersigned by the Ministers who are bound to carry out their implementation, and shall be published in the Official Gazette of Romania. Failure to publish entails the non-existence of the decisions or ordinances. Decisions of a military character shall be conveyed only to the institutions concerned.

**Liability of  
members of  
the Government**

**ARTICLE 109**

(1) The Government is politically responsible for its entire activity only before Parliament. Each member of the Government is politically and jointly liable with the other members for the activity and acts of the Government.

(2) Only the Chamber of Deputies, the Senate and the President of Romania have the right to demand criminal prosecution be taken against members of the Government for acts committed in the exercise of their office. If such criminal proceedings have been requested, the President of Romania may decree that they be suspended from office. Indictment of a member of the Government entails his suspension from office. Jurisdiction for trial belongs to the High Court of Cassation and Justice.

(3) Cases of liability, and penalties applicable to members of the Government shall be regulated by a law on ministerial responsibility.





## ARTICLE 110

### **Cassation of the term of office**

(1) The Government shall exercise its term of office until the validation of the general parliamentary elections.

(2) The Government shall be dismissed on the date the Parliament withdraws the confidence granted to it, or if the Prime Minister finds himself in one of the situations stipulated under Article 106, except for removal from office, or is unable to exercise his powers for more than 45 days.

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

(4) The Government whose term of office has ceased in accordance with paragraphs (1) and (2) shall continue to fulfil only the activities required for the administration of public affairs, until the members of the new Government take the oath.



## CHAPTER IV

### **Relations between Parliament and Government**

## ARTICLE 111

### **Information of Parliament**

(1) The Government and the other bodies of public administration must, within the framework of parliamentary control of their activity, to present any information and document requested by the Chamber of Deputies, the Senate, or parliamentary committees, through their respective presidents. In case a legislative initiative involves the amendment of the provisions



of the State budget, or of the State social security budget, the request for information shall be compulsory.

(2) Members of the Government are entitled to attend the proceedings of Parliament. If they are requested to be present, participation shall be compulsory.

#### ARTICLE 112

**Questions, interpellations, and simple motions**

(1) The Government and each of its members are bound to answer the questions or interpellations raised by the Deputies or Senators, under the terms stipulated by the Standing Orders of the two Chambers of the Parliament.



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



#### ARTICLE 113

**Motion of censure**

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

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





(3) The motion of censure shall be debated upon three days after its reading in the joint sitting of the Chambers.

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

#### ARTICLE 114

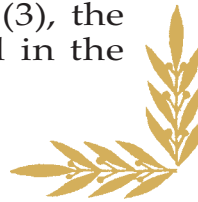

#### **Assumption of responsibility by the Government**

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

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

(3) If the Government has not been dismissed according to paragraph (2), the bill presented, amended, or completed, as the case may be, with the amendments accepted by the Government, shall be deemed to have been passed, and the implementation of the programme or general policy statement shall become binding on the Government.

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





## Legislative delegation

### ARTICLE 115

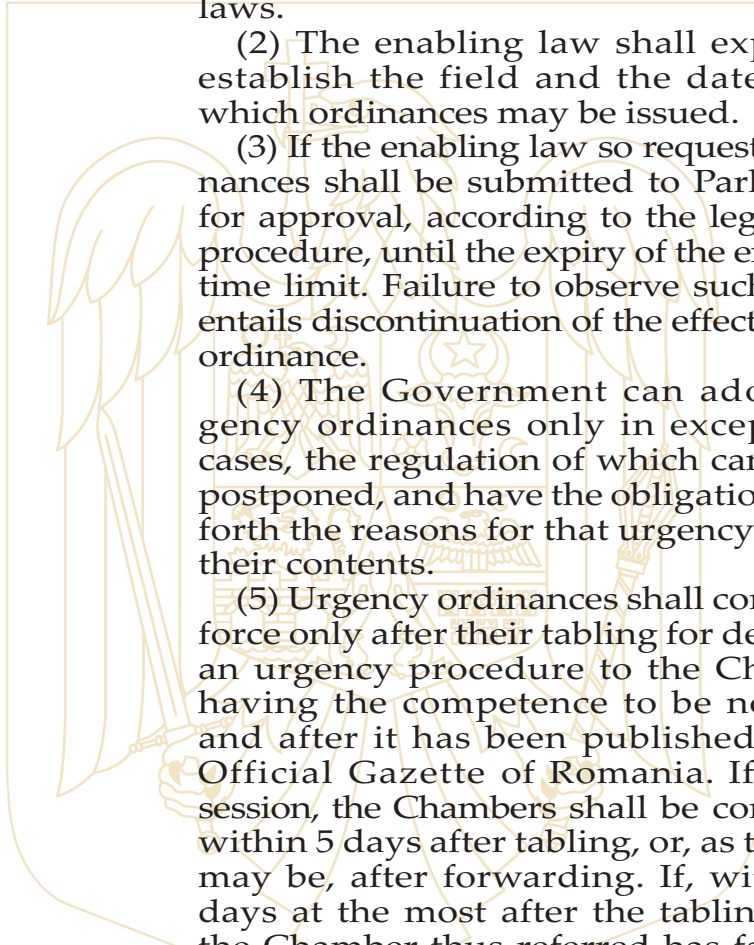
(1) Parliament can pass a special law enabling the Government to issue ordinances in fields outside the scope of organic laws.



(2) The enabling law shall expressly establish the field and the date up to which ordinances may be issued.

(3) If the enabling law so requests, ordinances shall be submitted to Parliament for approval, according to the legislative procedure, until the expiry of the enabling time limit. Failure to observe such limits entails discontinuation of the effects of the ordinance.

(4) The Government can adopt urgency ordinances only in exceptional cases, the regulation of which cannot be postponed, and have the obligation to set forth the reasons for that urgency within their contents.

(5) Urgency ordinances shall come into force only after their tabling for debate in an urgency procedure to the Chamber having the competence to be notified, and after it has been published in the Official Gazette of Romania. If not in session, the Chambers shall be convened within 5 days after tabling, or, as the case may be, after forwarding. If, within 30 days at the most after the tabling date, the Chamber thus referred has failed to decide on the ordinance, the latter shall be deemed approved and shall be sent to the other Chamber, which shall also decide in an urgency procedure. An urgency ordinance containing norms of





the same kind as the organic law must be approved by a majority as stipulated under Article 76 (1).

(6) Urgency ordinances cannot be adopted in the field of constitutional laws, nor affect the status of fundamental institutions of the State, the rights, freedoms and duties stipulated in the Constitution, the electoral rights, and cannot envisage any measures for the forcible transfer of assets into public property.

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

(8) Such law on approval or rejection shall regulate, if such is the case, any necessary measures concerning the legal effects caused while the ordinance was in force.

## CHAPTER V

### Public administration

#### Section 1

#### *Specialized central public administration*

### ARTICLE 116

#### Structure

(1) Ministries shall be organized only in the Government subordination.

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





ARTICLE 117

**Establishment**

(1) Ministries shall be set up, organized, and shall function in accordance with the law.

(2) The Government and its Ministries may, on the authorization by the Court of Audit, set up specialized bodies in their subordination, but only if the law acknowledges the competence thereof.

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





ARTICLE 118

**The Armed Forces**

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

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

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



(4) The organization of military or paramilitary activities outside a State authority is prohibited.

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

#### ARTICLE 119

#### Supreme Council of National Defence

The Supreme Council of National Defence shall unitarily organize and coordinate the activities concerning the country's defence and national security, its participation in international security keeping, and in collective defence arrangements within the military alliance systems, as well as in peace keeping or restoring missions.

#### Section 2



#### *Local public administration*

#### ARTICLE 120

#### Basic principles

(1) The public administration in territorial-administrative units shall be based on the principles of decentralization, local autonomy, and deconcentration of public services.

(2) In territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority's language in the relations with the local





public administration authorities and with the decentralized public services, under the terms stipulated by the organic law.

**ARTICLE 121**

**Commune and town authorities**

(1) The public administration authorities, by which local autonomy in communes and towns is implemented, shall be the Local Councils and the Mayors elected, in accordance with the law.

(2) The Local Councils and Mayors shall act as autonomous administrative authorities and manage public affairs in communes and towns, in accordance with the law.

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

**ARTICLE 122**

**County Council**

(1) The County Council is the public administration authority coordinating the activity of commune and town councils, in order to provide any public services of interest for that same county.

○ (2) The County Council shall be elected and shall function in accordance with the law.

**ARTICLE 123**

**The Prefect**

(1) The Government shall appoint a Prefect in each county and in the Municipality of Bucharest.



(2) The Prefect is the representative of the Government at local level and shall direct the decentralized public services of ministries and of the other bodies of the central public administration at the level of territorial-administrative units.

(3) The attributions of the Prefect shall be established by organic law.

(4) Between Prefects, on the one hand, Local Councils and Mayors, as well as county councils and their presidents, on the other hand, there are no relations of subordination.

(5) The Prefect may challenge, before the administrative court, any decision of the County Council, of a Local Council, or of a Mayor, in case he deems it unlawful. The decision thus challenged shall be suspended *de jure*.

## CHAPTER VI

### Judicial authority

#### Section 1

#### Courts of law

#### ARTICLE 124

#### Administration of justice

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

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

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





## ARTICLE 125

### Statute of judges

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

(2) Appointment proposals, as well as the promotion, transfer, and sanctions applied to judges shall be within the competence of the Superior Council of Magistracy, under the terms of its organic law.

(3) The office of a judge is incompatible with any other public or private office, except for teaching positions in higher education.



## ARTICLE 126

### Courts of law



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

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

(3) The High Court of Cassation and Justice shall provide a unitary interpretation and implementation of the law by the other courts of law, according to its competence.

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

(5) It is prohibited to set up extraordinary courts of law. By means of organic law, courts of law specialized in certain matters may be set up, allowing



the participation, as the case may be, of persons outside the magistracy.

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

**Public hearings**



**ARTICLE 127**

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

**Use of mother tongue and interpreters in courts of law**

**ARTICLE 128**

(1) Judicial proceedings shall be conducted in Romanian.

(2) Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law, under the terms of the organic law.

(3) The exercise of the right stipulated under paragraph (2), including the use of interpreters or translations, shall be stipulated so as not to hinder the proper administration of justice, nor to incur additional expenses for those concerned.

(4) Aliens and stateless persons who do not understand or do not speak Romanian



are entitled to take cognizance of all file papers and proceedings, to speak in court and to submit pleas, by means of an interpreter; in criminal trials, this right is ensured free of charge.

**Use of remedies**

**ARTICLE 129**

Against decisions of the court, the parties concerned and the Public Ministry may exercise ways of appeal, in accordance with the law.

**Police in the courts**

**ARTICLE 130**

Courts of law shall have police assigned at their disposal.

*Section 2*

***The Public Ministry***

**ARTICLE 131**

**Role of Public Ministry**

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

(2) The Public Ministry shall discharge its attributions through public prosecutors, constituted into public prosecutor's offices, in accordance with the law.

(3) The public prosecutor's offices attached to courts of law shall direct and supervise the criminal investigation activity of the police, according to the law.



ARTICLE 132

**Statute of public prosecutors**

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

(2) The office of public prosecutor is incompatible with any other public or private office, except for teaching positions in higher education.

*Section 3*

***The Superior Council of Magistracy***

ARTICLE 133

**Role and structure**



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

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



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

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

c) the Minister of Justice, the President of the High Court of Cassation and Justice, and the General Prosecutor of the Public







Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The President of the Superior Council of Magistracy shall be elected for a term of office of one year, which cannot be renewed, from among the magistrates listed under paragraph (2) a).

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

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

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



(7) Decisions ruled by the Superior Council of Magistracy shall be final and irrevocable, except for those stipulated under Article 144 (2).

#### ARTICLE 134

#### Powers

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

(2) The Superior Council of Magistracy is competent, through its sections, to sit in judgement on disciplinary proceedings against judges and public prosecutors, subject to its own organic law. The Minister of Justice, the President of the High Court of Cassation and Justice, and the General



Prosecutor of the Prosecution Office attached to the High Court of Cassation and Justice shall have no vote in like instances.

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

(4) The Superior Council of Magistracy shall also discharge other powers as stipulated by its organic law, in order to accomplish its role of guarantor for the independence of justice.

#### TITLE IV

### Economy and public finance

#### ARTICLE 135

Economy



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

(2) The State must provide for:

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

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

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





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

e) environmental protection and recovery, as well as the preservation of the ecological balance;

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

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



#### ARTICLE 136

#### Property



(1) Property may be public or private.

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

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

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

(5) Private property is inviolable, in accordance with the organic law.





ARTICLE 137

**Financial system**

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

(2) The national currency is the “Leu”, with its subdivision, the “Ban”. Under the circumstances of Romania’s accession to the European Union, the circulation and replacement of the national currency by that of the European Union may be acknowledged by means of an organic law.



ARTICLE 138



**National public budget**

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

(2) The Government drafts the State budget and the State social security budget, on an annual basis which shall be submitted separately to Parliament for approval.

(3) If the Law on State budget and the Law on State social security budget failed to be passed at least three days before the expiry of the budgetary year, the previous year’s State budget and the State social security budget shall continue to be applied until the approval of the new budgets.

(4) Local budgets shall be drafted, approved and implemented in accordance with the law.



(5) No budgetary expenditure shall be approved unless its financing source has been established.

**ARTICLE 139**

**Taxes, duties,  
and other  
contributions**

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

(2) Local taxes and duties shall be established by the local or county councils, within the limits and under the terms of the law.

(3) The sums representing contributions to the making up of certain funds shall be used, according to the law, for their purported destination alone.

**ARTICLE 140**

**The Court  
of Audit**

(1) The Court of Audit shall monitor formation, administration, and use of the financial resources of the State and public sector. Under the terms of the organic law, any disputes arising from the activity of the Court of Audit shall be settled by specialized courts of law.

(2) The Court of Audit shall annually report to Parliament on the administration of accounts in the National Public Budget during the latest budgetary year, including cases of mismanagement.

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



(4) Audit advisers shall be appointed by the Parliament for a term of office of 9 years, which cannot be extended or renewed. Members of the Court of Audit shall be independent in exercising their term of office and irremovable throughout its duration. They shall be subject to the incompatibilities as stipulated by law for judges.

(5) The Court of Audit shall be renewed with one third of the audit advisers appointed by the Parliament, every 3 years, under the terms stipulated by the organic law of the Court.

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

**ARTICLE 141**

**The Economic and Social Council**

The Economic and Social Council is an advisory body of the Parliament and Government, for the specialized fields stated by the organic law relative to its establishment, organization, and functioning.

**TITLE V**

**The Constitutional Court**

**ARTICLE 142**



**Structure**

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





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

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

(4) The judges of the Constitutional Court shall elect, by secret vote, the president thereof, for a term of office of three years.

(5) The Constitutional Court shall be renewed by one third of its judges every three years, in accordance with the provisions of the Court's organic law.

**ARTICLE 143**

**Qualification for appointment**

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

**ARTICLE 144**

**Incompatibilities**

The office of a judge of the Constitutional Court is incompatible with any other public or private office, except for legal academic teaching positions.

**ARTICLE 145**

**Independence and irremovable tenure**

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





## ARTICLE 146

### Powers

The Constitutional Court has the following powers:

a) To adjudicate on the constitutionality of laws, before promulgation, upon referral by the President of Romania, the President of either of the Chambers, the Government, the High Court of Cassation and Justice, the Advocate of the People, at least 50 Deputies or at least 25 Senators, as well as *ex officio*, on initiatives to revise the Constitution;

b) To adjudicate on the constitutionality of treaties or other international agreements, upon referral by the President of either of the Chambers, at least 50 Deputies or at least 25 Senators;

c) To adjudicate on the constitutionality of the Standing Orders of Parliament, upon referral by the President of either of the Chambers, by a parliamentary group or at least 50 Deputies or at least 25 Senators;

d) To rule upon objections as to the unconstitutionality of laws and ordinances, raised before the courts of law or commercial arbitration; a plea of unconstitutionality may also be brought up directly by the Advocate of the People;

e) To settle legal disputes of a constitutional nature between public authorities, at the request of the President of Romania, the President of either of the Chambers, the Prime Minister, or of the







President of the Superior Council of Magistracy;

f) To guard the observance of the procedure for the election of the President of Romania and to confirm the ballot returns;

g) To ascertain the circumstances that may justify the interim in the exercise of the office of President of Romania, and to report its findings to Parliament and the Government;

h) To give advisory opinion on the proposal to suspend from office the President of Romania;

i) To guard the observance of the procedure for the organization and holding of a referendum, and to confirm its returns;

j) To check compliance with the conditions for the exercise of the legislative initiative by citizens;



k) To rule upon the challenges of unconstitutionality of a political party;

l) To also fulfill other prerogatives stipulated by the organic law of the Court.

#### ARTICLE 147

**Decisions of  
the Constitutional  
Court**

(1) The provisions of laws and ordinances in force, as well as those of the regulations, which are found to be unconstitutional, shall cease their legal effects within 45 days of the publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the



Government, as the case may be, have failed to bring the unconstitutional provisions into line with the provisions of the Constitution. For this limited length of time the provisions found to be unconstitutional shall be suspended *de jure*.

(2) In cases of unconstitutionality of laws, before their promulgation, the Parliament is bound to reconsider those provisions, in order to bring them into line with the decision of the Constitutional Court.

(3) If a treaty or international agreement has been declared constitutional according to Article 146 b), such a document cannot be the subject of an objection of unconstitutionality. The treaty or international agreement held as unconstitutional cannot be ratified.

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

## TITLE VI


### **Euro-Atlantic integration**



#### ARTICLE 148



#### **Integration into the European Union**

(1) Romania's accession to the founding treaties of the European Union, with a view to transferring certain powers to





community institutions, as well as to exercising in common with the other Member States the competencies stipulated in such treaties, shall be carried out by means of a law adopted in the joint sitting of the Chamber of Deputies and the Senate, by a majority of two thirds of the number of Deputies and Senators.

(2) Following accession, the provisions of the founding treaties of the European Union, as well as the other mandatory community regulations shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act.

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

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

(5) The Government shall send to the two Chambers of the Parliament the draft of any binding regulations before they are submitted to the European Union institutions for approval.



**ARTICLE 149**

**Accession to  
the North Atlantic  
Treaty**

Romania's accession to the North Atlantic Treaty shall take place by means of a law adopted in the joint sitting of the Chamber of Deputies and the Senate, by a majority of two thirds of the number of Deputies and Senators.

**TITLE VII**

**Revision of the Constitution**

**ARTICLE 150**

**Initiative  
of revision**



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

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

**ARTICLE 151**

**Procedure  
of revision**

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





(2) If no agreement can be reached by the mediation procedure, the Chamber of Deputies and the Senate shall decide thereupon, in joint sitting, by the vote of at least three quarters of the number of Deputies and Senators.

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

#### ARTICLE 152

#### Limits on matters of revision

(1) None of the provisions of this Constitution with regard to the national, independent, unitary and indivisible character of the Romanian State, the Republican form of government, territorial integrity, independence of justice, political pluralism and official language shall not be subject to revision.

(2) Likewise, no revision shall be made if it results in the suppression of the citizens' fundamental rights and freedoms, or of the safeguards thereof.

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





## TITLE VIII

### Final and transitory provisions

#### ARTICLE 153

**Coming into force** This Constitution shall come into force on the date of its approval by referendum. On the same day, the Constitution of 21 August 1965 is and remains fully repealed.

#### ARTICLE 154

**Temporal conflict of laws**

(1) The laws and all other normative acts shall remain effective insofar as they do not contravene the provisions of this Constitution.

(2) The Legislative Council shall examine, within 12 months of the date of coming into force of the law on its organization, the compliance of legislation with this Constitution and shall accordingly forward proposals to Parliament or to the Government, as the case may be.



#### ARTICLE 155

**Transitory provisions**

(1) The bills and legislative proposals pending the law-making process shall be debated and passed in compliance with the constitutional provisions existing before the coming into force of the Revision Law.

(2) The institutions stipulated by the Constitution, existing on the date of





coming into force of the Revision Law, shall continue operation until the setting up of the new ones.

(3) Provisions of paragraph (1) of Article 83 shall apply starting from the next presidential term of office.

(4) Provisions concerning the High Court of Cassation and Justice shall be implemented within 2 years at the most of the date of coming into force of the Revision Law.

(5) Incumbent judges of the Supreme Court of Justice and audit advisers appointed by the Parliament shall continue their office until the term of office for which they were appointed expires. In order to ensure the renewal of the Court of Audit every 3 years, on the expiry of the term of office of the current audit advisers, these may be appointed for another three-year or six-year term of office.

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

#### ARTICLE 156

#### **Republication of the Constitution**

The Law on Revision of the Constitution shall be published in the Official Gazette of Romania within 5 days of enactment. The Constitution, as amended and supplemented, after its approval by referendum, shall be republished by the Legislative Council, with updated designations and renumbering of the texts.

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E-mail: [marketing@ramo.ro](mailto:marketing@ramo.ro), Internet: [www.monitoruloficial.ro](http://www.monitoruloficial.ro)  
Bun de tipar: 31 ianuarie 2012. Apărut: 2012  
Tiparul: R.A. MONITORUL OFICIAL

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ISSN 870-870-967-770-1

