



ROMANIA THE CONSTITUTIONAL COURT

Palatul Parlamentului

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PRESS RELEASE

I. On 15 July 2020, the Plenum of the Constitutional Court, as part of the review prior to promulgation, debated:

A. The objection of unconstitutionality of the provisions of Law approving the Government Emergency Ordinance No 37/2020 on granting facilities for loans granted by credit institutions and non-banking financial institutions to certain categories of debtors, objection formulated by deputies belonging to the Parliamentary group of the National Liberal Party;

Following the deliberations, the Constitutional Court, by unanimous vote, upheld the objection of unconstitutionality and found that the Law approving the Government Emergency Ordinance No 37/2020 on granting facilities for loans granted by credit institutions and non-banking financial institutions to certain categories of debtors is unconstitutional, as a whole, being contrary to the principle of bicameralism, provided for in Article 61 (2) of the Constitution.

The decision is final and generally binding and shall be notified to the President of Romania, to the Presidents of the two Chambers of the Parliament and to the Prime Minister.

B. The objection of unconstitutionality of Law Law for declaring June 4th

as *the Day of the Trianon Treaty*, objection formulated by the President of Romania;

Following the deliberations, the Constitutional Court, by a majority of votes, rejected, as unfounded, the objection of unconstitutionality and found that the Law for declaring June 4th as *the Day of the Trianon Treaty* is constitutional in relation to the criticisms formulated.

The decision is final and generally binding and shall be notified to the President of Romania.

C. The objection of unconstitutionality of the provisions of Law on the rejection of the Government Emergency Ordinance No 2/2020 for the extension of the entry into force of Article I point I of Law No 14/2020 approving the Government Emergency Ordinance No 9/2019 amending and completing Law No 61/1993 regarding state allowance for children, as well as amending Article 58 (1) of Law No 448/2006 on the protection and promotion of the rights of persons with disabilities, objection formulated by the Government of Romania;

Following the deliberations, the Constitutional Court, by unanimous vote, dismissed, as groundless, the objection of unconstitutionality and found that the Law on the rejection of the Government Emergency Ordinance No 2/2020 for the extension of the entry into force of Article I point I of Law No 14/2020 approving the Government Emergency Ordinance No 9/2019 amending and completing Law No 61/1993 regarding state allowance for children, as well as amending Article 58 (1) of Law No 448/2006 on the protection and promotion of the rights of persons with disabilities is constitutional in relation to the criticisms formulated.

The decision is final and generally binding and shall be notified to the President of Romania.

D. The objection of unconstitutionality of Law on granting masks for the protection of the Romanian citizens from the COVID-19 virus, objection formulated by the Government of Romania.

Following the deliberations, the Constitutional Court, by unanimous vote,

dismissed, as groundless, the objection of unconstitutionality and found that the Law on granting masks for the protection of the Romanian citizens from the COVID-19 virus is constitutional in relation to the criticisms formulated.

The decision is final and generally binding and shall be notified to the President of Romania.

II. The Plenum of the Constitutional Court also ruled on the exception of unconstitutionality of the provisions of Article 18 ind. 1 (4) of Title VII of Law No 247/2005 regarding the reform in the fields of property of justice, as well as some adjacent measures, published in the Official Gazette of Romania, Part I, No 653 of 22 July 2005, according to which *“The compensation titles shall be capitalized within 3 years from the date of issue, which does not expire earlier than 12 months from the first trading of the shares issued by Fondul Proprietatea”*.

Following the deliberations, the Constitutional Court, by a majority of votes, upheld the exception of unconstitutionality and found that the legislative solution contained in Article 18 ind. 1 (4) of Title VII of Law No 247/2005, which makes the very right to compensation of holders of compensation titles subject to the exercise of the right of option for a certain way of compensation is unconstitutional.

The decision is final and generally binding and shall be notified to the two Chambers of the Parliament, to the Government and to the law court which brought the matter before the Constitutional Court, respectively the Bucharest Court of Appeal.

III. Regarding the request to resolve the legal conflict of a constitutional nature between the Parliament of Romania – the Senate, on the one hand, and the Public Ministry – Prosecutor’s Office attached to the High Court of Cassation and Justice – Directorate for Criminal Investigation and Prosecution, on the other hand, request formulated by the President of the Senate,

The Constitutional Court postponed the debates for **15 September 2020**.

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The arguments retained as grounds for the solutions delivered by the Plenum of the Constitutional Court shall be presented in the decisions, to be published in the Official Gazette of Romania, Part I.

**External Relations, Press and Protocol Department
of the Constitutional Court**