

Internal and international activity of the Constitutional Court – Semester II/2022

JULY

On 1 July 2022, Mr Benke Károly, First Assistant Magistrate, participated, as a correspondent on behalf of the Constitutional Court of Romania, in the meetings of the corresponding agents of the Judicial Network of the European Union held in Luxembourg. The agenda of the meeting was structured in two sessions: *Future cooperation within the Network* and *Justice closer to citizens – exchange of experiences and best practices*.

SEPTEMBER

On 1 September 2022, the President of the Constitutional Court of Romania, Mr Marian Enache, took part in the Military Ceremony dedicated to marking the 145th anniversary of the appointment of the first Jewish officer to the Romanian Army, organised in the Constitutional Square, at the invitation of the President of the Federation of Jewish Communities of Romania, Mr Silviu Vexler, and the Minister of National Defence, Mr Vasile Dîncu. On that occasion, the President of the Constitutional Court of Romania, Mr Marian Enache, took the floor to convey a short message.

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On 8 September 2022, the President of the Constitutional Court of Romania, Mr Marian Enache, participated in the international conference “*Romanian Court of Audit – 30 years of progress towards the digitalisation of the audit*”.

At the invitation of the President of the Romanian Court of Audit, Mr Mihai Busuioac, at the anniversary event marking the 30th anniversary of the adoption of the law re-establishing the institution, the President of the Romanian Constitutional Court, Mr Marian Enache, took the floor to convey a short message.

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On 12 September 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, received the visit of H.E. Mr Alfredo DURANTE MANGONI, Ambassador of the Italian Republic to Romania. The meeting was also attended by Ms Cristina Titirișcă and Ms Marieta Safta, Assistant-Magistrates of the Romanian Constitutional Court and Mr Matteo Petrini, counsellor of the Embassy of the Italian Republic in Romania.

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On 15 and 16 September 2022, Judge Laura-Iuliana Scânteii represented the Romanian Constitutional Court at the International Conference on *Sustainability as a Constitutional Value: Future Challenges*, event dedicated to the 100th anniversary of the adoption of the

Constitution of the Republic of Latvia and the 25th anniversary of the establishment of the Constitutional Court in Riga.

The event was attended by the President of the Republic of Latvia, representatives of Parliament, the European Court of Human Rights, the Court of Justice of the European Union, the Commission for Democracy through Law – the Venice Commission, the judicial authority, presidents, judges of constitutional and supreme courts, other courts and international bodies in Europe and Asia, as well as academia.

The event's agenda was structured in 3 main themes: *Sustainability of democracy: how to prevent threats to democracy in a democratic way? The sustainability of fundamental rights: adapting fundamental rights to the age of modern technology and environmental sustainability: a political choice or a fundamental rights issue?*

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From 26 to 30 September 2022, the Romanian Constitutional Court received the working visit of a delegation of the Constitutional Court of the Republic of Moldova, comprising Mr Teodor Papuc, Deputy Chief Secretary, Mr Dumitru Avornic, Head of the Legal Aid Directorate, Ms Dina Musteața, Ms Cristina Chihai and Mr Marcel Lupu, judicial assistants, as well as of a delegation of the Hungarian Constitutional Court, composed of Ms Horváth Dóra, Ms Sevaracz Luca and Mr Nagy Botond, advisers.

At the opening of this trilateral meeting, entitled *Best Practice Exchange Program in Constitutional Adjudication*, which was at its first edition, Mr Marian Enache, President of the Constitutional Court, stated that the aim was to achieve at the level of assistant-magistrates an exchange of best practices in terms of constitutional review and better knowledge of the constitutional law issues faced by the three constitutional courts.

During the working visit, meetings were held with judges of the Romanian Constitutional Court, during which the representatives of the three constitutional courts made presentations and engaged in thematic discussions on the powers and competences of constitutional courts, the effects of constitutional courts decisions, fundamental rights and freedoms – limits and proportionality test, and the relationship between the European Court of Human Rights/Court of Justice of the European Union and national constitutional courts. Mr Bogdan Iancu, Associate Professor and PhD Graduate, also gave a lecture entitled '*National constitutional identity and the relationship between the Constitutional Court of Romania and the CJEU*'.

At the same time, on 19-23 September 2022, ahead of the trilateral meeting, the members of the delegation of the Constitutional Court of the Republic of Moldova held thematic discussions with assistant-magistrates of the Constitutional Court of Romania on the powers and competences of the two constitutional courts and their case law. Meetings were also held with Mr Florin Iordache, President of the Legislative Council, Ms Cristina Rotaru-Radu, Director of the National Institute of Magistracy, Mr Asztalos Csaba, President of the National Council for Combating Discrimination, and Ms Emma Turtoi, Head of Constitutional Litigation, Appeal in the interest of the Law, Administrative and Legal Litigation, Regulatory Analysis, External Relations and Communication of the Advocate of the People.

The working visit was coordinated by Mr Benke Károly, First Assistant Magistrate.

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On 27 September 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, participated in the 20th anniversary event organised by the National Anti-Corruption Directorate. The event took place at the National Military Circle – The Marble Room.

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On 29 September 2022, the President of the Romanian Constitutional Court, Mr Marian ENACHE, participated in the launch of the project '*Constitutional Tradition and Prospects for Constitutionalism in Romania*', dedicated to the 100th anniversary of the adoption of the Romanian Constitution in March 1923.

The launch of the project was organised by the Romanian Academy Legal Research Institute and took place in the "Ion Heliade Rădulescu" Amphitheatre of the Library of the Romanian Academy.

In the event, there have been speeches made by Mr Ioan-Aurel POP, Academician and President of the Romanian Academy, Mr Marian ENACHE, President of the Romanian Constitutional Court, Mr Mircea Duțu, Professor and Director of the 'Acad. Andrei Rădulescu' Legal Research Institute, and Mr Nicolae NOICA, Professor and Honorary Member of the Romanian Academy, Director

As part of this project, the President of the Romanian Constitutional Court, Mr Marian ENACHE, will hold a conference in 2023 dedicated to the celebration the centenary of the Unified Romania Constitution – the 1923 Constitution, where a research paper on the topic "*Tradition and modernity of constitutionalism in Romania*" will be presented.

On that occasion, the President of the Constitutional Court, Mr Marian ENACHE, proposed that a study be drawn up, in collaboration with the Romanian Academy, to determine and quantify the constitutionality of Romanian society, 30 years after the adoption of the 1991 Constitution.

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On Friday 30 September 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, received at the seat of the institution the visit of the President of the Court of Justice of the European Union, Mr Koen LENAERTS, and Ms Octavia SPINEANU-MATEI, Judge of Romania at the Court of Justice of the European Union.

Ms Elena-Simina Tănăsescu, Ms Laura-Iuliana Scânteii, Mr Cristian Deliorga and Mr Dimitrie-Bogdan Licu, Judges, as well as Mr Benke Karoly, First Assistant Magistrate, Ms Cristina Titirișcă and Ms Marieta Safta, Assistant Magistrates, also participated in the meeting on behalf of the Romanian Constitutional Court.

At the end of the meeting, the two officials delivered press statements at the seat of the Romanian Constitutional Court.

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On 30 September 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, participated in the Conference "*The evolution of European Union law – Dialogue between the Court of Justice of the European Union and the Constitutional Courts*" organised by the National Institute of Magistracy.

OCTOBER

From 4 to 7 October 2022, Elena-Simina Tăsescu, Professor, Judge of the Constitutional Court, and Ms Marieta Safta, Professor, Assistant Magistrate, took part in the work of the 5th Congress of the World Conference on Constitutional Justice with the topic *Constitutional Justice and Peace*, organised in Bali by the Constitutional Court of Indonesia.

The World Conference on Constitutional Justice brings together 118 Courts, Constitutional Councils and Supreme Courts of Africa, America, Asia, Australia/Oceania and Europe. It promotes constitutional justice as a key element for democracy, the protection of human rights and the rule of law (Article 1.2 of the Statute of the Conference). The main objective of the World Conference is to facilitate the dialogue of constitutional judges on a global scale.

The Congress was structured in several working sessions as follows: Session A – *Sources and Jurisdiction*, Session B – *Application*, Session C – *Limitations of the role of Constitutional Courts in peacekeeping*, Session D – *Basic Principles: Protection of human rights, democracy and the rule of law as prerequisites for peace*, Session E – *Assessment of the independence of member courts*.

94 delegations from constitutional courts and equivalent institutions from all over the world participated in the work of the Congress in October 2022, totalling 583 participants.

For Romania, the Report containing the replies to the preparatory questionnaire of the Conference, which, together with the reports submitted by the other participants, formed the basis for discussion in Congress, was drafted by Ms Livia-Doina Stanciu and Mr Gheorghe Stan, judges of the Constitutional Court of Romania, and Ms Marieta Safta, Assistant Magistrate. Participants' reports will be available on the Congress page at <https://wccj5.mkri.id/>.

Understanding the role of constitutional courts and equivalent institutions as a genuine defence of democracy and the rule of law, the members of the World Conference on Constitutional Justice and the delegations participating in the Congress reaffirmed their commitment to the fundamental principles of democracy, the rule of law and fundamental rights, which are at the core of the Conference. Consequently, the Congress conveyed to the judges of the member courts the message of resisting any pressure that might come from State powers and of basing its decisions solely on the provisions of the Constitution and the principles enshrined therein.

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From 19 to 21 October 2022, the delegation of the Romanian Constitutional Court headed by Mr Marian Enache, President, and composed of Judges Gheorghe Stan, Varga Attila, as well as of Mr Károly Benke, First Assistant Magistrate, paid, at the invitation of the President of the Constitutional Court of Hungary, Mr Sulyok Tamás, a working visit to Budapest, Republic of Hungary. During the working visit, the Romanian delegation was received at the seat of the Hungarian Constitutional Court by Mr Sulyok Tamás, Mr Schanda Balázs and Mr Juhász Miklós, Judges, Mr Bitskey Botond, Secretary General, and Mr Szabó Attila, Director of the President's Office. The agenda of the meeting focused on presenting the duties and work of the two Constitutional Courts and disseminating their case law on the relationship between national and European Union law. Both sides stressed the need for closer cooperation and mutual of their case law.

The delegation of the Constitutional Court also met with the President of the Hungarian Supreme Court, Mr Varga Zs. András, as well as with the Minister for Justice, Ms Varga Judit. At the two meetings, the topics discussed concerned the relationship between ordinary courts and the Constitutional Court, as well as the way in which national authorities relate to European Union law.

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On 20 and 21 October 2022, Judges Cristian Deliorga and Dimitrie-Bogdan Licu represented the Romanian Constitutional Court at the International Conference on “*The role of the Constitutional Court in New Democracies*”, a celebration dedicated to the 30th anniversary of the establishment of the Constitutional Court of the Republic of Albania in Tirana. The Romanian delegation was accompanied by Ms Cosmina Marin, legal staff of the External Relations, Press Relations and Protocol Department.

The event was attended by the President of the Republic of Albania, the representative of the Parliament, the Prime Minister, representatives of the European Court of Human Rights, constitutional courts, constitutional authorities and international bodies in Europe and Asia, as well as academics, providing an excellent opportunity to strengthen interinstitutional dialogue between constitutional jurisdiction authorities.

The working meetings including the following topics: *Dialogue between constitutional courts and its impact on the protection and development of constitutional rights and freedoms, constitutional jurisprudence as a guarantee in strengthening the rule of law and the role of constitutional justice in the development of fundamental values of society.*

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On 25 October 2022, Judge Elena-Simina Tănăsescu represented the Romanian Constitutional Court at the International Conference dedicated to the 100th anniversary of the Lithuanian Constitution (1922) and the 30th anniversary of the adoption of the Constitution of the Republic of Lithuania (1992), with the topic *From national constitutions to transnational constitutionalism*, held in Vilnius.

The event, held in a hybrid format (*on site* and *on line*), enjoyed a high representation, with the participation of the President of the Republic of Lithuania, the representative of the Parliament, the Prime Minister, the President of the Court of Justice of the European Union, the President of the Commission for Democracy through Law – the Venice Commission, the Presidents and Members of the European Constitutional Courts, academics.

The event was structured in 4 sessions: *Constitutional traditions and endurance, Constitution-centric legal system: the art of constitutional interpretation, Transnational dimension of national constitutions and Constitutional lines for a future perspective*, this last session also comprising the presentation made by Judge Elena-Simina Tănăsescu.

NOVEMBER

On 14 November 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, attended the first Meeting in Romania of the Conference of European Rabbis, at

the invitation of the President of the Federation of the Jewish Communities in Romania, Mr Silviu VEXLER, and of the President of the Conference of European Rabbis, Chief Rabbi Pinchas GOLDSCHMIDT. The event was attended by the Prime Minister of Romania, Mr Nicolae-Ionel CIUCĂ, the President of the Senate, Mrs Alina-Ştefania GORGHIU, the President of the High Court of Cassation and Justice, Judge Corina-Alina CORBU, ministers, Senators and Deputies, as well as outstanding personalities in the social, scientific and cultural life of Romania.

DECEMBER

From 4 to 6 December 2022, Mr Marian Enache, President of the Constitutional Court of Romania, and Mr Benke Károly, First Assistant Magistrate, represented the Constitutional Court of Romania at the Special Meeting of Judges on *Bringing justice closer to the citizen*, an event dedicated to the 70th anniversary of the Court of Justice of the European Union, held in Luxembourg.

This prestigious event was structured in three plenary sessions: 1. *The Preliminary Ruling Procedure – Recent Developments*, 2. *The Concept of Judicial Independence in European Law* and 3. *The General Court and Conflicts in Europe: Recent Developments in the Field of Restrictive Measures Against Belarus and Russia*, and three workshops, respectively: *How can judicial decisions be made more “readable”?*, *In the era of GDPR, by what name should one refer to judicial decisions?*, *How should courts communicate what they do?*.

This anniversary event was attended by presidents of supreme courts and constitutional courts of the European Union.

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On 12 December 2022, the Constitutional Court of Romania celebrated Constitution Day. A debate was organized on this occasion on *the topic Traditions of constitutional review in Romanian law*, attended by the President of the Constitutional Court, Mr Marian Enache, Judges Livia-Doina Stanciu, Elena-Simina Tănăsescu, Laura-Iuliana Scântei, Cristian Deliorga, Gheorghe Stan and Dimitrie-Bogdan Licu, Mr Benke Károly, First Assistant Magistrate, and the Assistant Magistrates of the Court. The event was also attended by Mrs Corina Alina Corbu, President of the High Court of Cassation and Justice, Mrs Maria Magdalena Militaru, First Deputy Prosecutor General, as well as Professor Nicolae Popa, PhD.

During the debate, the distinguished guests and the members of the Constitutional Court evoked the early days of constitutional review in Romania, referring in particular to the so-called “Tram Case” of 1912, when the Court of Cassation ruled on the constitutionality of a law. It was underlined that the constitutional review was carried out by the Court of Cassation between 1923 and 1948, and, since 1992, by the Constitutional Court, established by the Constitution of 1991 and Law No 47/1992 on the organization and functioning of the Constitutional Court.

The President of the Constitutional Court emphasized the importance of the constitutional court, which, in 2022, celebrated 30 years of existence, importance evidenced by the large number of cases pending before it: over 55,000 complaints filed since its establishment, of

which over 600 were aimed at the constitutional review of laws before promulgation and over 53,000 exceptions of unconstitutionality raised before the courts of law and directly by the Advocate of the People. In settling these complaints, the Court issued almost 22,500 decisions, judgments and opinions.

At the end of the debate, President Enache invited the participants to attend the solemn sitting of the Plenum of the Constitutional Court, during which the Council Hall of the Constitutional Court was named the *Constantin G. Dissescu Hall*, as well as the mounting of a painting representing the outstanding constitutionalist. This decision was adopted unanimously by the judges present at the plenary session.

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On 13 December 2022, the President of the Constitutional Court of Romania, Mr Marian ENACHE, together with Judge Dimitrie-Bogdan LICU and Mr BENKE Károly, First Assistant Magistrate, received the visit of two delegations led by Mr ASZTALOS Csaba, President of the National Council for Combating Discrimination, and Mr Ian FELDMAN, President of the Council for Preventing and Eliminating Discrimination and Ensuring Equality in the Republic of Moldova.

During the meeting, the discussions focused on the axiological nature of the principle of equal rights, as well as on jurisprudential aspects and administrative practice that valued this principle, so essential for a constitutional democracy. In this context, the distinguished guests pointed out that the acceptance, by the society, of the requirements of the principle of equality is not without difficulties, however, the two administrative authorities, through their activity, aim to provide the legal and administrative support necessary to overcome certain inertial mentalities encountered in social life.

The President of the Constitutional Court stressed the importance of the case-law of constitutional courts for observing the principle of equality and non-discrimination, praising the activity of the two administrative authorities in promoting and consistently applying this principle both in Romania and the Republic of Moldova.

At the end of the meeting, in agreement with the two guests, the President of the Constitutional Court proposed the organization of a series of working meetings aimed at promoting and disseminating the case-law and practice on the principle of equality existing in Romania and the Republic of Moldova.

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The President of the Constitutional Court of Romania, Mr Marian ENACHE, received, on 19 December 2022, the visit of a group of young people from Vaslui County. While visiting the Palace of Parliament, the young people and their companions expressed the desire to visit the Constitutional Court as well.

On this occasion, President Marian ENACHE briefly presented the role and duties of the Constitutional Court in the Romanian society and highlighted the role of young people in promoting democracy and the values of the rule of law.

The young people visited the public hearing room and the council hall of the Court and showed interest in the work of the constitutional court.