

# INTERNAL AND INTERNATIONAL ACTIVITY OF THE CONSTITUTIONAL COURT – 2023

## JANUARY

On 26 January 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, addressed a speech entitled “The 1991 Constitution: Continuation or Renewal of Romanian Constitutionalism?” during the event organised by “Acad. Andrei Rădulescu” Institute of Legal Research of the Romanian Academy, with the support of JURIDICE.ro.

The event is part of the series of conferences on “The Constitutional Tradition and the Perspectives of Constitutionalism in Romania”, dedicated to the centenary of the Romanian Constitution of 29 March 1923.

In his presentation, the President of the Constitutional Court of Romania, Mr Marian Enache, stated that “this well-inspired initiative opening the events marking the centenary of the proclamation of the 1923 Constitution represents both a continuation of a practice aimed at informing and disseminating knowledge and progress in different legal branches, from the pre- and inter-war periods, and, in ‘our case’, an intention to reveal and value the past and traditions of Romanian constitutionalism”.

Next, the evolution of Romanian constitutionalism was presented, starting with its sources, the Paris Convention of 1858, the Developing Statute of the Reigning Prince Alexandru Ioan Cuza, the Constitution of 1866, the Constitution of 1923, which helped define a unique imprint and a distinct identity of our historical legal system, determined by the realities and needs for development of the Romanian State and society, which have contributed to the crystallization of a Romanian legal tradition, passed down and validated through its viability and continuity in our legal life since its early days and to this day.

The introduction of new laws and institutions, after 1864, meant, for our entire legal system and the dawn of legal research and thought, a revival, marked by a clear choice between the ancient tradition of Byzantine law and Western-inspired law. In fact, the process begun after 1864 represented an accelerated realization of the Romanian aspirations expressed since 1830, 1831 and 1832, namely the appropriation (assimilation) of the Western forms in the organization of the Romanian State and the modernization of the Romanian society.

“There is no people with pure traditions; every human community has shaped its own organization and institutions under the influence of the other political-legal and cultural communities from wider areas, as well as of the concrete historical circumstances that have shaped their destiny. Yet, what makes the difference between them is the willingness to establish a tradition/set of traditions, the degree of integration of these traditions, the strength and respect given to them, their positioning as a permanent axiological reference system, their harmonization with the new layers of innovation, and their analytic revival. In reality, no generation starts completely fresh, no generation invents everything anew;

instead, in order to move forward, each generation looks back to identify what has been good, precious and useful, to decide how to transfer the existential and cultural ‘torch’ of a people that always seeks its vitality and strength in its own roots”, stated the President of the constitutional body.

Mr Marian Enache stressed that the Basic Law adopted in 1991 was a Constitution of Liberty which, through both its content and, above all, its spirit, was supposed to express the organization of State power while guaranteeing Freedom, as a key value, starting point for the entire construction of the constitutional edifice. The President of the Constitutional Court stated that discussions on the extent to which these objectives have been achieved were subject to continuous evaluation in the legal literature.

“After the revolutionary overthrow of the communist regime and the adoption of the 1991 Constitution, the Romanian State and law returned to the coordinates of the new matrix of European law, and succeeded, during these more than 30 years of democracy, in building a State governed by the rule of law, that met the requirements of the civilizational model of European-type democracy. (...) Of course, when drafting a new Constitution, after the overthrow of a totalitarian regime, the new political forces resulting from the revolutionary process in Romania opted for a democratic regime, based on the principles of separation of State powers, political and social pluralism, free elections, held at different time intervals, while respecting and safeguarding the fundamental rights and freedoms of citizens, the requirements of the rule of law”, added the President of the Court.

Finally, President Enache also referred to the introduction of the constitutional review carried out by the Constitutional Court, whose regulation, by the 1991 Constitution, was an expression of the attachment to the constitutional traditions of the Romanian people, while the revision of the 2003 Constitution redesigned and extended the Court’s prerogatives. Additionally, the role of constitutional case-law in the development of contemporary constitutionalism through evolutionary interpretations of the texts of the Basic Law, adapted to social realities, was emphasised.

The role of constitutional case-law in the constitutional consolidation and development is achieved by interpreting and applying the constitutional provisions in correlation with the treaties and case-law of the European Court of Human Rights, the Court of Justice of the European Union, using the two interpretative methods, i.e., the originalist one and the evolving one. This interaction confers it with a creative nature, manifesting itself as an open system, receptive to European constitutionalism. Constitutional case-law perceives and develops new perspectives of understanding in relation to the dynamics of social realities, through the process of constitutionalization materialized in the case-law of the authorities of constitutional jurisdiction of each European State, which thus leads to an interactive and unitary contemporary constitutional system across the European space.

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On 26 January 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, received the visit of a group of 11<sup>th</sup>-grade students from the “Gheorghe Lazăr” National College in Bucharest, at the invitation of Judge Laura-Iuliana Scântei.

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President Enache met with the young people and the discussions took place in the form of a non-formal, interactive dialogue. The President of the Constitutional Court explained the evolution of the fundamental laws of the Romanian State, namely the Constitutions of 1866, 1923 and 1991.

Mr Marian Enache and Ms Laura-Iuliana Scânteii briefly presented the Court's prerogatives, its role as guarantor and defender of individual rights and freedoms. Next, they described the organization of State powers and the application of the principle of their separation and collaboration, as well as the differences between the prerogatives of courts of law and those of the constitutional court.

Finally, it was pointed out that the Plenary Assembly of the Constitutional Court has declared the year 2023 the Centennial Year of the Constitution of Unified Romania, a crucial moment in the history of our State, which contributed to its modernization, and that this year would be marked by the Court by the organization of actions and debates specific to such an occasion.

The students, who expressed their intention of becoming future law students, received copies of the Constitution of Romania, with the recommendation to read it "in order to know their rights and how to exercise and defend them".

The students then visited the Court's public hearing and deliberation rooms and expressed their interest in the activity of the Constitutional Court, its role and functions in the Romanian society.

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On 27 January 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, participated in the ceremony marking the International Day of Commemoration in Memory of the Victims of the Holocaust, at the invitation of the President of the Federation of the Jewish Communities in Romania, Mr Silviu Vexler, of the President of the Chamber of Deputies, Mr Ion-Marcel Ciolacu, of the Prime Minister of Romania, Mr Nicolae-Ionel Ciucă, of the Minister of Foreign Affairs, Mr Bogdan Lucian Aurescu, and of the Minister of Justice, Mr Marian-Cătălin Predoiu. The event took place at the Choral Temple in Bucharest and was preceded by a wreath-laying ceremony.

## **FEBRUARY**

On 9 February 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, received the visit of H.E. Mr José Antonio Hernández Pérez-Solórzano, Ambassador of the Kingdom of Spain in Bucharest.

The discussions were also attended by Mr Benke Károly, First Assistant-Magistrate, Ms Cristina Titirișcă, Assistant-Magistrate, and Ms Mădălina Verman, Counsellor within the Department of External Relations, Press Relations and Protocol, on behalf of the Romanian Constitutional Court, as well as by Ms Ioana Brumar, Protocol Officer at the Embassy of the Kingdom of Spain in Bucharest.

In the beginning of the meeting, the President of the Constitutional Court congratulated the Ambassador on his assumption of office and underlined the historical, cultural and linguistic

affinities existing between the Romanian and Spanish peoples. While discussing about the cooperation between the two States at different levels (economic, cultural and social), the President of the Court noted that, in Spain, several universities had opened centres for the study of Romanian language and culture and that, in Romania, Spanish language and elements of Spanish civilization were promoted at secondary and university level.

Both sides expressed their satisfaction with the successful integration of the Romanian community into the social, cultural and professional life of Spain.

In turn, Ambassador Pérez-Solórzano expressed his desire for a closer collaboration between the two States and for an exchange of experience at the level of the constitutional courts of Romania and Spain, given their similar structure. He also added that, as a sign of gratitude to the Romanian community, but also to mark the 10th anniversary of the conclusion of the Strategic Partnership between the two States, an agreement with Spain on dual citizenship was being prepared.

The President of the Constitutional Court of Romania recalled that, during the drafting of the Romanian Constitution of 1991, the delegation of the Constituent Assembly, which he led, travelled to Spain for documentation purposes on aspects of constitutional law, in order to enhance certain concepts and institutions in the Spanish Constitution. The introduction of the institution of the People's Advocate (Defensor del Pueblo) in the Romanian Constitution of 1991 is such an example.

Given that, since the drafting of the 1991 Constitution, there has been a fruitful exchange of ideas and expertise between Romanian specialists and judges of the Spanish Constitutional Tribunal, President Enache proposed a revitalization of the relations between the two constitutional justice authorities. In this regard, the President stated that he would propose to the Plenary Assembly to send an invitation for a bilateral meeting with the judges of the Constitutional Tribunal of Spain in the first half of 2024.

At the end of the meeting, the Ambassador of the Kingdom of Spain was invited to sign the Book of Honour of the Constitutional Court of Romania.

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On 9 February 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, received the visit of H.E. Mr Victor Chirilă, Ambassador of the Republic of Moldova in Bucharest.

The discussions were also attended by Mr Benke Károly, First Assistant-Magistrate, Ms Cristina Titirișcă, Assistant-Magistrate, and Ms Mădălina Verman, Counsellor within the Department of External Relations, Press Relations and Protocol, on behalf of the Romanian Constitutional Court, as well as by Ms Roxana Samson, Secretary II at the Embassy of the Republic of Moldova in Bucharest.

The meeting unfolded in an open and constructive manner, during which the President of the Constitutional Court mentioned the special and privileged bilateral relations between Romania and the Republic of Moldova.

The discussion also referred to the events to be organized for the celebration of the 100<sup>th</sup> anniversary since the adoption of the 1923 Constitution; on this occasion, the President of the Constitutional Court of Romania added that the year 2023 had been declared, by decision of the Plenary Assembly, the Centennial Year of the Constitution of Unified Romania.

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The special cooperation between the two constitutional courts was also mentioned, together with the constant exchange of good practices on constitutional matters between them, the bilateral meetings held and the joint publication of specialized scientific articles.

Furthermore, Mr Marian Enache expressed his desire to organize, in the context of the events marking the centenary of the Constitution of Unified Romania, several events and debates on topics related to the Romanian constitutional history, to be attended by the judges of the Constitutional Court of the Republic of Moldova as well.

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On 14 February 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, participated in the presentation of the Report on the activity of the Public Prosecutor's Office in 2022, made by the Prosecutor General of the Public Prosecutor's Office attached to the High Court of Cassation and Justice, Ms Gabriela Scutea.

The event was organized by the National Institute of Statistics and was marked by the interventions of the Vice-President of the High Court of Cassation and Justice, Judge Rodica Cosma, the Minister of Justice, Mr Marian-Cătălin Predoiu, the Vice-President of the Superior Council of the Magistracy, Prosecutor Daniel Constantin Horodniceanu.

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On 27 February 2023, Mr Benke Károly, First Assistant Magistrate of the Constitutional Court, received the visit of a group of pupils of "*Dr. Ioan Meșotă*" National College of Brașov, as part of the "*A Different School*" National Programme.

On that occasion, Mr Benke Károly made a short presentation on the role of the Constitutional Court, and the pupils visited the courtroom, as well as *Constantin Dissescu Deliberation Room*.

## MARCH

On Monday, 27 March 2023, the "*Centenary of the Constitution of Unified Romania (1923 – 2023)*" was celebrated during the Solemn Assembly organised by the Constitutional Court of Romania at the Palace of Parliament, in "*King Michael I of Romania*" Plenary Hall of the Senate, and attended by over 200 high representatives of the Romanian State and guests from Europe.

Before the beginning of the Solemn Assembly, the President of the Constitutional Court of Romania, Mr Marian Enache, presented to the high Romanian officials and distinguished guests from abroad the exhibition of documents dedicated to the Centenary, organised in the foyer of the Senate's Plenary Hall. The exhibition captures the evolution of constitutionalism in Romania, having as its central point the Constitution of 1923, and contains the original exhibits of the Constitutions of 1923 and 1866, which is a first in the field.

After the singing of the Romanian anthem by the artists of the Bucharest National Opera, the Solemn Assembly began with the welcome message addressed by the President of the Constitutional Court of Romania, Mr Marian Enache, which can be read on pages 165-168 of this volume.

During the event, speeches were delivered by the President of Romania, Mr Klaus Werner Iohannis, the Patriarch of the Romanian Orthodox Church, His Beatitude Father Daniel, the Interim President of the Senate, Mrs Alina Stefania Gorghiu, the President of the Chamber of Deputies, Mr Ion-Marcel Ciolacu, the Prime Minister of Romania, Mr Nicolae-Ionel Ciucă, the President of the High Court of Cassation and Justice, Judge Corina-Alina Corbu, the President of the Court of Justice of the European Union, Mr Koen Lenaerts, the President of the Venice Commission, Mrs Claire Bazy Malaurie, the President of the Constitutional Court of the Republic of Moldova, Mrs Domnica MANOLE, the President of the Association of Francophone Constitutional Courts, Mr Mamadou Badio Camara, and Prof. dr.h.c. Rainer Arnold, from the University of Regensburg (Germany).

The congratulatory message of the President of the European Court of Human Rights, Mrs Siofra O'Leary, for the progress and achievements made by Romania in the last 30 years and for the anniversary of the Centenary of the 1923 Constitution was also presented. The representative of the Spanish Constitutional Court, Judge Enrique Arnaldo Alcubilla, also read the message of Mr Cándido Conde-Pumpido Tourón, President of the Spanish Constitutional Court.

The event was attended by Mrs Octavia Spineanu-Matei, the Romanian judge at the Court of Justice of the European Union, and by representatives of 19 constitutional courts in Europe (i.e., of Albania, Austria, Belgium, Bulgaria, Czech Republic, Croatia, Germany, Georgia, Lithuania, Luxembourg, Moldova, North Macedonia, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, Hungary), of which eight were represented by their presidents.

In his closing speech, followed by the singing of the Hymn – Ode to Joy, the President of the Constitutional Court of Romania stated, that, although each of the European Union Member States has its own national Constitution, “we are all connected to the common space of European constitutionalism, as the foundation of the legitimacy of our democratic States and societies”.

The participants in the event were invited to the release of a philatelic issue dedicated to the Centenary of the Constitution of Unified Romania. The President of Romania, Mr Klaus Werner Iohannis, and the President of the Constitutional Court of Romania, Mr Marian Enache, applied the seals on the certificate of the stamp issue and signed, together with the judges of the Constitutional Court of Romania and the foreign guests, its presentation table.

The events dedicated to the celebration of the Centenary of the Constitution of Unified Romania (1923-2023), organised by the Constitutional Court on 27 March, attended by over 200 high representatives of the Romanian State and guests from Europe, are captured in a presentation film, directed by Mrs Carmen Lidia Vidu.

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On Monday, 27 March 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, had a working meeting with the President of the Association of Constitutional Courts using the French language (A.C.C.F.), Mr Mamadou Badio Camara, President of the Senegal Constitutional Council, during which they discussed the agenda for the Association's future activities.

The meeting was also attended by Mr Benke Károly, First Assistant Magistrate, and Mrs Cristina Titirișcă, Assistant Magistrate, on behalf of the Romanian constitutional authority,

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and by Mrs Caroline Pétilion, Secretary General, on behalf Association of Constitutional Courts using the French language.

The President of the Constitutional Court of Romania, Mr Marian Enache, thanked the President of the Association of Constitutional Courts using the French language for having responded to the invitation to attend the event organised for the celebration of the Centenary of the 1923 Constitution and for kindly addressing a message during the solemn Assembly.

The discussions between the parties envisaged the organisation of the future Bureau of the A.C.C.F. in June 2023, which will take place in Lausanne, given the status of the Romanian Constitutional Court as a member and vice-president of the Association. The President of the Romanian Constitutional Court highlighted Romania's French-speaking tradition, especially in the field of law and constitutionalism, as part of the legal family of this extraordinary culture.

At the end of the meeting, the President of the Association of Constitutional Courts using the French language, Mr Mamadou Badio Camara, was invited to sign in the Book of Honour of the Romanian Constitutional Court.

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On Monday, 27 March 2023, the Constitutional Court of Romania and the Constitutional Court of the Republic of Moldova signed a Memorandum of Cooperation on the mutual exchange of professional information and experience in the area of constitutional justice.

The memorandum was signed by the President of the Constitutional Court of Romania, Mr Marian Enache, and by the President of the Constitutional Court of the Republic of Moldova, Ms Domnica Manole, at the bilateral meeting held on a day of dual historical significance, namely the celebration of the Centenary of the Constitution of Unified Romania – 1923-2023 – and the Day of the Union of Bessarabia with Romania.

The meeting was attended, on behalf of the Constitutional Court of Romania, by Mrs Livia-Doina Stanciu, Mr Varga Attila, Mrs Elena-Simina Tănăsescu, Mr Cristian Deliorga, Mrs Mihaela Ciochină, Mrs Laura-Iuliana Scântei, Mr Dimitrie-Bogdan Licu, Judges, Mr Benke Károly, First Assistant Magistrate, and Mrs Cristina Titirișcă, Assistant Magistrate, and on behalf of the Constitutional Court of the Republic of Moldova, by Mrs Liuba Șova, Mr Nicolae Roșca, Mr Serghei Țurcan and Mr Vladimir Țurcan, Judges.

Both sides underlined the very close cooperation between the two constitutional review bodies and the existence of a permanent dialogue on legal issues and the exchange of case law and best practices. The Presidents of the two Courts referred to the particular relationship of institutional cooperation, based also on constitutional common roots, resulting in the implementation of several joint projects, such as the publication of collections of articles and case-law, volumes of legal dialogues, as well as internships for the training of assistants-magistrates and judicial assistants in order to get familiarised with the case-law of the two constitutional review bodies.

The President of the Romanian Constitutional Court, Mr Marian Enache, pointed out that the relations between the two institutions are very close and that concrete actions were to be taken in the future on common issues of debate. He also affirmed the support and assistance to the Constitutional Court of the Republic of Moldova in the European course to be followed by the Republic of Moldova.

Mrs Domnica Manole, for her part, congratulated the Romanian Constitutional Court on the organisation of the celebration of the Centenary of the Constitution of Unified Romania. She also stressed that, in view of the challenges to be faced in the process of accession to the European Union of the Republic of Moldova, she wished to benefit from the experience of the Romanian Constitutional Court in this area. Another issue raised by the Moldovan side was the application of EU law and its relationship with the national constitution, considering that the expertise of the Romanian Constitutional Court would be extremely helpful.

On this occasion, Mrs Domnica Manole invited the Romanian Constitutional Court to participate in Chisinau at the end of July this year in an event celebrating the 29th anniversary of the adoption of the Constitution.

At the end of the meeting, the President of the Constitutional Court of the Republic of Moldova, Mrs Domnica Manole, was invited to sign in the Book of Honour of the Romanian Constitutional Court.

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On Tuesday, 28 March 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, met with the President of the European Commission for Democracy through Law (Venice Commission), Mrs Claire Bazy Malaurie.

The meeting was also attended, on behalf of the Romanian authority of constitutional jurisdiction, by Mrs Laura-Iuliana Scântei, Mr Dimitrie-Bogdan Licu and Mr Gheorghe Stan, Judges, Mr Benke Károly, First Assistant Magistrate and Mrs Cristina Titirișcă, Assistant Magistrate, and, on behalf of the Venice Commission, by Mr Domenico Vallario, legal adviser.

The meeting took place in a cordial atmosphere and followed the organisation of the solemn Assembly for the celebration of the Centenary of the Constitution of Unified Romania, to which the representatives of the Venice Commission were also invited.

The discussions focused on issues related to institutional cooperation between the Romanian Constitutional Court and the European Commission for Democracy through Law (Venice Commission), and the meeting was regarded as particularly useful for both sides.

The President of the Constitutional Court of Romania, Mr Marian Enache, expressed his willingness to develop the collaboration between the two institutions, noting that it had been an excellent one over the years, reminding two former Presidents of the Venice Commission, Antonio Mario La Pergola and Gianni Buquicchio, whose expertise was beneficial in the process of the drafting of the 1991 Romanian Constitution. On this occasion, the liaison officers of the Romanian Constitutional Court in the Venice Commission, recently appointed by the Plenum, Judge Gheorghe Stan and Assistant Magistrate Cristina Titirișca, were also presented.

Mr Marian Enache stated that the Venice Commission's opinions are cited in many of the decisions of the Constitutional Court of Romania, due to the force of their argumentation.

For her part, the President of the European Commission for Democracy through Law, Mrs Claire Bazy Malaurie, noted the progress made by Romania and the fact that the Romanian Constitutional Court had withstood pressure in the context of legislative changes in criminal and criminal procedural matters. Mrs Claire Bazy Malaurie expressed her gratitude to all countries, including Romania, who managed to defend the constitutional values of the rule of law during difficult times.



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She also expressed her interest in the decisions of the Romanian Constitutional Court, asking whether they also contain recommendations to the authorities. The President of the Romanian Constitutional Court explained that decisions' structure is composed of recitals and operative part, both of which are binding on all public authorities.

At the end of the meeting, the President of the European Commission for Democracy through Law was invited to sign in the Book of Honour of the Romanian Constitutional Court.

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On Tuesday, 28 March 2023, the Constitutional Court of Romania and the Constitutional Court of the Slovak Republic had a bilateral meeting in which the main discussions concerned the powers of the two constitutional courts and the effects of their decisions.

The meeting was also attended, on behalf of the Constitutional Court of Romania, by Marian Enache, President, Mrs Livia-Doina Stanciu, Mr Varga Attila, Mrs Elena-Simina Tănăsescu, Mrs Mihaela Ciochină, Mr Dimitrie-Bogdan Licu, Judges, Mr Benke Károly, First Assistant Magistrate and Mrs Cristina Titirișcă, Assistant Magistrate, and on behalf of the Constitutional Court of the Slovak Republic, by Mr Ivan Fiačan, President, Mr Ľuboš Sziget, Vice-President, Mr Ladislav Duditš, Judge, and Mrs Andrea Nagyova, expert within the International Relations and Protocol Department.

The meeting started with the short presentation of the procedure for appointment of constitutional judges and the duties of each court.

President Marian Enache stated that the Romanian Constitutional Court is the only constitutional authority, built on the European model of constitutional review. From a statistical point of view, the majority of the Court's work consists in the *a priori* and *a posteriori* constitutional review, with 544 and, respectively, 21.566 decisions being pronounced to date.

For his part, President Ivan Fiačan stated that most of the work of the Constitutional Court of the Slovak Republic consists of citizens' referrals, approximately 3.000 per year. It was pointed out that the complaint of unconstitutionality first presupposes that all domestic remedies against the contested judicial decision have been exhausted and, only after this requirement has been met, can a complaint be brought before the Constitutional Court.

Concluding the discussions, the President of the Romanian Constitutional Court considered that the discussion with the Slovak side was important and substantial. The prospect of revitalising the relations between the two Courts was also addressed, where the Slovak side proposed a bilateral meeting in Košice. A meeting was also proposed in Bucharest between Slovak and Romanian assistant-magistrates for an exchange of experience and professional information.

President Ivan Fiačan also invited the Romanian Constitutional Court to participate in Slovakia in the annual conference on constitutional justice on 20 September this year.

At the end of the meeting, the President of the Constitutional Court of the Slovak Republic, Mr Ivan Fiačan, was invited to sign in the Book of Honour of the Romanian Constitutional Court.

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On Wednesday, 29 March 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the event organised by the National Bank of Romania for the numismatic issuance dedicated to the celebration of the Centenary of the 1923 Constitution.

## **APRIL**

On 24-25 April 2023, Mr Gheorghe Stan, Judge, and Mrs Cristina Titirișcă, Assistant Magistrate, participated, as liaison agents of the Constitutional Court of Romania in the European Commission for Democracy through Law (Venice Commission), in the work of the XXth Joint Council on Constitutional Justice, as well as in the mini-conference on *Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations*. The events took place in Sofia, Bulgaria.

During the working session of the Joint Council on Constitutional Justice, technical elements on the work of liaison officers were presented, such as the development of the CODICES database or the transmission of relevant decisions of constitutional courts for publication in the Electronic Bulletin of the Venice Commission (e-Bulletin on Constitutional Case-Law). Participants were also informed of the latest opinions and reports of the Venice Commission, adopted so far since the last Council meeting held online in September 2021. Judge Gheorghe Stan intervened in the practical exercise on systematisation of a decision of a constitutional court, with the reasoned presentation of case-law keys relevant to the indexation of decisions in the CODICES database.

At the mini-conference, debates were held on the second day of the works, and the delegation of the Romanian Constitutional Court presented issues relating to the constitutional review of the Romanian state's measures during the state of emergency and the state of alert imposed as a result of the COVID-19 pandemic.

The event agenda is available on the Venice Commission's website at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU-OJ\(2023\)001rev-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-JU-OJ(2023)001rev-e)

## **MAY**

The President of the Constitutional Court of Romania, Mr Marian Enache, stated that integrity is a concept of synthesis, which concentrates in its content ethical and moral values of citizens' conduct in their various public and private roles in society.

The declaration was made by the President of the Constitutional Court of Romania, Mr Marian Enache, at the International Conference organised by the National Integrity Agency on the importance of legislation in the context of integrity policies and whistleblowing, which took place on Thursday 4 May 2023 at the Central University Library.

"Translating these values into the law is a highly responsible work in which the political decision-maker not only recognises the importance of these values, but ensures their respect through the rules of law," said Marian Enache.

He also stated that, from the point of view of the integrity of the civil service, Romanian society is unanimous to regard it as a value to be protected from any corrosive and negative phenomena.

"It is for the legislator to identify the best methods/means of strengthening the integrity system, but always respecting the fundamental rights and freedoms enshrined in the Constitution and the requirements of the rule of law", Marian Enache said.

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The President of the Court also stressed that this debate brought to the fore the role of legal rules in defining and structuring integrity as part of the ethical awareness and legal culture of the Romanian people.

Fairness, honesty, reputation, prestige, respect, appreciation, honour – said the President of the Court – are values that find their source and legitimacy in the foundation of morals, they already exist in the *forma mentis* and in the ethical conscience of our people.

In his speech, citing the Austrian thinker Ludwig von Mises, the President of the Court stated that the only objective of both laws with a moral component and the coercive apparatus is to safeguard the functioning of social cooperation and that the appropriate criterion for assessing the laws and methods of enforcing them is whether or not they are effective in order to protect the social order that we want to preserve.

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On 4 and 5 May 2023, Judge Laura-Iuliana Scânteii represented the Constitutional Court of Romania in the International Conference with the topic Climate Change as a Challenge for Constitutional Law and Constitutional Courts, event organised by the German Federal Constitutional Court in Berlin.

The International Conference was structured in three sessions: Recourse to constitutional courts in climate litigation cases, Constitutional responsibility: causality, duties of protection, freedoms and The potential of constitutional courts in tackling climate change: their possibilities and limitations in the political process, and was attended by high representatives, amongst whom Prof. Dr. Koen Lenaerts, President of the Court of Justice of the European Union, Right Hon Lord Hamblen of Kersey, Justice of the Supreme Court of the United Kingdom, Prof. Silvana Sciarra, President of the Constitutional Court of Italy, Mr. Laurent Fabius, President of the French Constitutional Council, Prof. Dr. Dineke de Groot, President of the Supreme Court of the Netherlands, Dr. iur. François Chaix, Vice-President of the Swiss Federal Supreme Court, Univ.-Prof. Dr. Verena Madner, Vice-President of the Constitutional Court of Austria, D. Matej Accetto, President of the Constitutional Court of Slovenia, Dr. Snježana Bagić, Vice-President of the Constitutional Court of Croatia, as well as by representatives of the national authorities and academia.

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On Wednesday, 17 May 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the event celebrating the 75th anniversary of the establishment of the modern State of Israel, and the bilateral relations with Romania.

The National Day of the State of Israel was celebrated at the Bucharest National Opera House, in partnership with the Laude-Reut Educational Complex.

At the opening of the anniversary event, the ambassador of Israel to Romania, H.E. Mr Reuven Azar, the president of the Chamber of Deputies, Mr Marcel Ciolacu, and the president of the Knesset, Mr Amir Ohara, took the floor.

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On Tuesday, 23 May 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the conference “Romania towards the future. A century of history, from the 1923 Constitution to the present day”.

The event was organised by the Italian Embassy in Bucharest under the patronage of the Romanian Constitutional Court and the aegis of the Romanian Academy, in partnership with the Research Centre of the Rome Tre University.

The Constitutional Court of Romania was represented at the event also by Mrs Elena-Simina Tănăsescu, Mrs Laura-Iuliana Scânteii and Mr Dimitrie-Bogdan Licu, Judges, Mr Cristina Titirișcă, Assistant Magistrate, and Mrs Mădălina Verman, counsellor within the External Relations, Press Relations and Protocol Department.

The President of the Constitutional Court of Romania gave a statement highlighting that the session was an inspired event and a demonstration of the cooperation and friendship between the two countries, Romania and Italy, between the Romanian Constitutional Court and the Italian Constitutional Court, which would be developed and strengthened.

“For today’s generations, knowing how the 1923 Basic Act fulfilled its purpose, as the supreme law of the State, enshrines the unity of Romanians, is a crucial historic moment with structural implications and effects for the current development of the Romanian State,” said Marian Enache.

The President of the Court stated that a constitution deemed successful by its initiators can fail if it does not find its echo in civic consciousness and if it does not inspire in citizens the confidence that it guarantees their rights, freedoms and legitimate interests.

“We believe that Romanians express their complex identity continuously and through the identity of the principles and values enshrined in the Basic Law, and that, crucially, we can talk about an ideal possession of the spirit of the Constitution in their own conscience. The essence of the Constitution lies in the permanent link between the people, the holder of power, and their representatives, the reference social pact on the basis of which laws can legitimately be adopted and social peace can be achieved. The Constitution must correspond to the social state, so the law can only express the general will in accordance with the Constitution, an expression of the majority of the citizens’ will affirmed in the referendum. It is the role of the Constitutional Court, the guarantor for the supremacy of the Constitution, to ensure the state of constitutionality in our legal system. The realisation of constitutional justice is carried out through the constitutionalisation of the legal system and of the political and democratic process, which establishes and defends the constitutional order”, he added.

According to the President of the Court, in the absence of a constitutional review of laws, the Constitution is merely a normative act, even if the principle of the sovereignty of the people and the constituent power were recognised.

“Within this reference framework, we reaffirm the importance of the principle of stability of the Constitution, which ensures the strength of the political and social order and which must temper the temptation of a permanent change of the Constitution. (...) Any constitution is reviewable, obviously within the limits pre-established by the Basic Law, and this process is determined and must reflect new developments, cultural trends and political and economic changes in society, changes in the sphere of social realities”, said the President of the Court.

The letter of the Constitution is legal, the spirit of the Constitution is democratic, underlined the President of the Court.

“If we do not interpret the legal letter of the Constitution in a democratic spirit, we can affect the essence and profound meaning of the values of the Constitution. Any decision of

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the Constitutional Court is both a legal act and an expression of a democratic act. In the application of the Basic Law, in order to ensure the supremacy of the Constitution over the law, the Constitutional Court refers in its decisions to the standards of case law of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU), as well as the Venice Commission”, said Marian Enache.

The President of the Court concluded: “It is undeniable that the experience and knowledge of our predecessors in constitutional matters constitute a genuine basis for a deeper understanding of the present and of the future of Romania, the need to develop new mentalitarian structures in society, and to promote a new, inclusive vision, permanently connected to the dynamics of the European Union’s demands, such as the common area of freedom, justice and democracy”.

The conference took place in the Aula of the Romanian Academy. The Italian Ambassador Alfredo M. Durante Mangoni, the President of the Romanian Academy Ioan-Aurel Pop, and the President of the Constitutional Court of the Italian Republic, Silvana Sciarra (online), also made opening remarks.

## JUNE

On 1 and 2 June 2023, Mr Fabian Niculae, Assistant Magistrate of the Constitutional Court of Romania, participated in the meeting of the Bureau of the Association of Constitutional Courts using the French language (A.C.C.F.) held in Lausanne, the Swiss Confederation.

The organisation of the Association Congress in 2025 was one of the issues on the Agenda of the Bureau Meeting. According to the Bureau’s decision, the work of the next Congress on “*The role of the constitutional judge in the interpretation and revision of the Constitution*” will be organised in Bucharest on 5-7 May 2025 by the Constitutional Court of Romania, in its capacity as vice-president of this forum. (<https://accf-francophonie.org/communique-de-presse-9e-congres-et-assemblee-generale-de-laccf/>).

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On Friday, 2 June 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended together with representatives of State authorities, civil society and the diplomatic corps, the meeting with His Majesty King Charles III, His Majesty’s first visit abroad since the coronation. The meeting took place at the Cotroceni Palace when the President of Romania, Mr Klaus Werner Iohannis, received His Majesty King Charles III.

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On Wednesday, 21 June 2023, the delegation of the Constitutional Court of the Republic of Korea was received by President Marian Enache, as well as by Mr Varga Attila, Ms Elena-Simina Tănăsescu and Mr Dimitrie-Bogdan Licu, Judges, at the seat of the Romanian Constitutional Court.

The delegation of the Constitutional Court of the Republic of Korea was composed of Mr Youngjin LEE, Judge, and Minki Hwang, Judge-Rapporteur. H.E. Kap-soo RIM, Ambassador of the Republic of Korea to Romania, was also present at the meeting.

On behalf of the Constitutional Court of Romania the meeting was also attended by Mr Benke Károly, First Assistant Magistrate, and Mrs Cristina Titirișcă, Assistant Magistrate.

The theme agreed for the working meeting between the representatives of the two constitutional courts was “*Constitutional review. Recent case-law*”.

At the beginning of the discussions, President Marian Enache briefly outlined Romania’s constitutional history, the procedure for the appointment of constitutional judges, the powers and effects of decisions of the Constitutional Court. He pointed out that, from a statistical point of view, the majority of the Court’s work consists in the *a priori* and *a posteriori* constitutionality review, with approximately 550 and, respectively, 21.800 decisions having been pronounced so far.

For his part, Mr Youngjin Lee stated that in the 35 years of activity of the Constitutional Court of the Republic of Korea, celebrated earlier this year, around 45.000 cases had been resolved, most of which were individual complaints of violations of fundamental rights, and that around 28.000 cases had been registered in the past year. Of these, 65 % are rejected by a filter panel of 3 judges and the remaining 35 % reaches the plenum of 9 judges, 4 % representing the percentage of unconstitutionality decisions to be taken with a two-thirds vote.

The President of the Constitutional Court, Mr Marian Enache, noted that, from a procedural point of view, all referrals are dealt with by the Plenum and that there is no filter procedure. From a judicial point of view, the decisions handed down by the Romanian court in the exercise of the power to resolve legal disputes of a constitutional nature were mentioned, and attention was drawn to the judicial dialogue with the Court of Justice of the European Union, and Decision No 534/2018 and the judgment of the Court of Justice of the European Union in the Coman case were mentioned to that effect.

Concluding the discussions, the President of the Romanian Constitutional Court considered that the discussion with the South Korean side was important and useful, resulting in a fruitful exchange of information and professional experience. Both sides also agreed on the need to relaunch and develop the relations between the two Courts.

At the end of the meeting, Judge Youngjin Lee was invited to sign in the Book of Honour of the Romanian Constitutional Court.

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On 21 to 22 June 2023, Judge Cristian Deliorga and Judge Gheorghe Stan, accompanied by Mrs Ana-Maria Saon, counsellor within the External Relations, Press Relations and Protocol Department, represented the Constitutional Court of Romania in the International Conference with the topic ‘Constitution as the basis for building a democratic rule of law’, an event dedicated to the 30th anniversary of the adoption of the Constitution of the Kyrgyz Republic.

The event organised by the Venice Commission in cooperation with the Constitutional Court of the Kyrgyz Republic was attended by both high representatives of national authorities, amongst whom the President of the Republic, the Ombudsman, the President of the Supreme Court, the Minister of Justice, the representative of the Parliament of the Kyrgyz Republic, and foreign representatives, members of the Venice Commission, presidents and judges of the constitutional courts of Europe and Asia, including Mr Pierre Nihoul, President of the Constitutional Court of Belgium, Mr Mirza-Ulugbek Abdusalomov, resident of the

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Constitutional Court of the Republic of Uzbekistan, Mr Zlatko Knezevic, Vice-President of the Constitutional Court of the Republic of Bosnia and Herzegovina, Mrs Domnica Manole, Judge and former President of the Constitutional Court of the Republic of Moldova, Member of the Venice Commission on behalf of the Republic of Moldova, Mr Mariana Canotilho, Judge of the Portuguese Constitutional Court, Mr Ceyhun Qaracayev, Judge of the Constitutional Court of the Republic of Azerbaijan, Mr Wahiduddin Adams, Judge of the Constitutional Court of the Republic of Indonesia, Mr Artur Vagharshyan, Judge of the Constitutional Court of the Republic of Armenia, Mr Asan Eskendirov, Judge of the Constitutional Court of the Republic of Kazakhstan, and representatives of the academia, the event constituting thus an excellent opportunity for strengthening the inter-institutional dialogue.

The conference was organised over two days and was structured in three sessions. At the first session, Judge Gheorghe Stan presented the paper “Constitutional heritage and the role of constitutional justice in the formation of a legal, democratic state. Experience of Romania”.

In the other sessions, topics such as: “Powers of constitutional review bodies in the context of global changes: challenges and perspectives” and “Experience of constitutional review bodies in foreign countries in promoting constitutional values in society” were discussed. The interventions during the sessions were followed by rounds of debates during which many participants expressed a real interest in the experience and practice of their colleagues from other jurisdictions, being thus underlined once more the importance of meetings between members of constitutional jurisdiction authorities.

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On Thursday, 29 June 2023, the President of the Constitutional Court, Mr Marian Enache, together with Judge Dimitrie-Bogdan Licu, attended the scientific event entitled “*The challenges of the law in the contemporary world. Impact on the profession of lawyers*” organised by the Romanian Union of Jurists on Justice Day 2023.

## JULY

On Tuesday, 4 July 2023, Mr Marian Enache, President of the Constitutional Court of Romania, Ms Livia-Doina Stanciu and Ms Mihaela Ciochină, Judge, participated at Cotroceni Palace, at the signing ceremony of the decrees to enact the laws of education. Thus, the President of Romania, Klaus Iohannis, signed the Decree on the promulgation of the Law on Pre-university Education and the Decree on the promulgation of the Law on Higher Education.

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On 20 and 21 July 2023, Judge Laura-Iuliana Scânteii, Judge Gheorghe Stan and Assistant-Magistrate Cristina Titirișcă represented the Constitutional Court of Romania (CCR) at the 28th World Law Congress, held in New York.

The Congress was organised by the World Jurist Association and the World Law Foundation and, according to the organisers (<https://wlc-nyc.com>), brought together law professionals from more than 60 countries, more than 200 world leaders, including heads of state and authorities, judges of supranational and national courts, academics, lawyers,

human rights activists, to identify legal solutions to preserve and consolidate democracy and peace through law.

At the opening of the scientific event, Mr Javier Cremades, President of the World Jurist Association, Mr Guillermo Lasso, President of the Republic of Ecuador, and Mrs Susan Kohlmann, President of the New York City Bar Association. The works were organised on topics, with 53 panels (<https://wlc-nyc.com/program>), four of which were moderated by Professor Rainer Arnold (University of Regensburg, Germany), at whose invitation the delegation of the Romanian Constitutional Court attended the Congress.

During Panel 45 – *Freedom of expression in the digital era*, Judge Laura–Iuliana Scântei presented the paper with the topic *Balancing Digital Cyber Security and Freedom of Expression*. The presentation concerned three issues: regulating the internet and social media; data governance and cybersecurity versus preserving freedom of expression for strengthened democracies; and the role of national constitutional courts in reviewing laws affecting fundamental rights and freedoms, giving as an example the CCR Decision No 70 of 28 February 2023.

Panel No 26 focused on the Universality of rule of law and, within it, Judge Gheorghe Stan gave the presentation entitled *Guarantees of the Rule of Law in Romania in the Digital Age, Cybersecurity and Processing of Personal Data*. Recalling the recent case-law of the Romanian Constitutional Court (CCR Decision No 335 of 14 June 2023), the judge stressed that the rule of law must guarantee fundamental rights, given that the challenges of the digital age and the risks of affecting those rights are increasing and the existing mechanisms need to be adjusted to adapt to new social realities, in compliance with the constitutional regulatory requirements.

Also, as part of the presentation *Artificial intelligence – a threat to the rule of law? The role of constitutional courts in shaping emerging technologies* within Panel No 44 – *Rule of law, constitutional justice and tech*, Assistant Magistrate Cristina Titirișcă pointed out that, as emerging technologies are increasingly developing and affecting everyday life, the challenge for constitutional democracies is how to ensure that the rule of law has sufficient space to protect traditional constitutional values, strike a balance between the rule of law and the ‘rule of technology’.

The closing ceremony of the World Law Congress, held at the United Nations Headquarters, was attended by His Majesty, King of Spain, Felipe VI, and Ursula von der Leyen, President of the European Commission, who was awarded the World Peace & Liberty Award 2023.

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On 28 July 2023, the delegation of the Romanian Constitutional Court headed by Mr Marian Enache, President, and composed of Ms Mihaela Ciochină, Ms Laura-Iuliana Scântei, Mr Cristian Deliorga, Mr Gheorghe Stan, Judges, and Mr Benke Károly, First Assistant Magistrate, participated in Chisinau at the anniversary of the day of the Constitution of the Republic of Moldova.

The meeting was attended, on behalf of the Constitutional Court of the Republic of Moldova, by Mr Nicolae Roșca, President, and Ms Domnica Manole, Ms Liuba Șova, Mr Sergei Țurcan and Mr Vladimir Țurcan, Judges.



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The official visit took place at the invitation of the Constitutional Court of the Republic of Moldova, in the context of the celebration of the 29th anniversary of the adoption of the Constitution of the Republic of Moldova, occasion on which the two constitutional courts had a bilateral meeting.

The topics discussed concerned the exchange of ideas and professional experiences on the relevant case law of the constitutional courts, as well as on the relationship between national law and European Union law.

President Marian Enache and the members of the delegation reaffirmed their support of and cooperation with the Constitutional Court in Chişinău in view of Republic of Moldova's accession to the European Union.

The President of the Romanian Constitutional Court, Mr Marian Enache, emphasised the special and privileged relationship of collaboration between the two constitutional courts, whose maintenance and development constitutes a priority of his mandate. He pointed out that there has existed a permanent dialogue between the two Constitutional Courts, in which sense bilateral visits were paid both to Bucharest and Chisinau, aimed at a better understanding of the case-law of the two courts, as guarantors of the supremacy of the Constitution and depositaries of a common constitutional historical heritage.

At the end of the bilateral meeting, the President of the Romanian Constitutional Court, Mr Marian Enache was invited to sign in the Book of Honour of the Constitutional Court of the Republic of Moldova, when he also received a medal with the country brand - 'Tree of life'.

## **AUGUST – SEPTEMBER**

On 31 August and 1 September this year, Judge Elena-Simina Tănăsescu represented the Constitutional Court of Romania at the "EUited for Diversity II" International Conference, on *The Rule of Law and Constitutional Diversity*, held in The Hague.

The event organised by the Court of Justice of the European Union, the Constitutional Court of Belgium, the Constitutional Court of Luxembourg and the Supreme Court of the Netherlands was attended by high representatives, the President and the Vice-President of the Court of Justice of the European Union, the President and certain Judges of the European Court of Human Rights, Presidents and Judges of European Constitutional Courts.

The event was structured into four panels organised in two sessions as follows:

1. Independence of the judiciary as a *conditio sine qua non* for protecting democracy, mutual trust and the rule of law;
2. Rule of law – Primacy of EU law and equality before the law of EU citizens;
3. Diversity and uniformity in EU law;
4. Legal protection of current and future generations.

Judge Elena-Simina Tănăsescu took the floor during the second panel and gave the presentation "*Rule of law – Priority of EU rights and equality before the law of European citizens*".

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On Friday, 15 September 2023, the President of the Constitutional Court of Romania (CCR), Mr Marian Enache, welcomed today the European Commission's decision to close the

Cooperation and Verification Mechanism (CVM) for Romania as a success of the fundamental institutions of the Romanian State and Romanian diplomacy, which worked together to achieve this strategic country objective.

The President of the Court stressed the importance of the principle of sincere cooperation between State institutions and noted the solidarity between them in analysing and discussing national objectives.

The lifting of the CVM is important both for the judiciary as a whole and, above all, for Romanian citizens in the exercise of their rights and freedoms.

The President of the Court highlighted the importance of having a justice achieved consistently and in line with European standards, in the spirit of respecting and strengthening the rule of law as the foundation of the European Union.

The Romanian Constitutional Court, through its role, functions and decisions, is a court of rights and freedoms, shaping the demands and values of the rule of law. By these decisions, the Constitutional Court strengthened the independence of the judiciary in Romania, strengthened the role of the Superior Council of Magistracy as guarantor of justice, defined the principle of sincere cooperation, ensured respect for the principle of separation and balance of powers, as a principle of State organisation, contributed to the continued protection of rights and freedoms, which are at the heart of the rule of law. Through its judicial activity, the CCR carried out the process of constitutionalising the legal system, guaranteeing the supremacy of the Constitution.

Constitutional justice has been and remains a *sine qua non* requirement of the rule of law so as to guarantee fundamental rights and freedoms, thus contributing, through the review of constitutionality of laws, to the development of constitutional democracy in Romania.

The intervention of the President of the Constitutional Court of Romania, Mr Marian Enache, was circulated at the meeting organised by the Ministry of Justice on the occasion of the European Commission's announcement that it formally lifts the Cooperation and Verification Mechanism, in the presence of the President of Romania, Mr Klaus Iohannis, the President of the Senate, Mr Nicolae-Ionel Ciucă, the Prime Minister, Mr Ion-Marcel Ciolacu, the Minister for Justice, Ms Alina Ștefania Gorghiu, the President of the Superior Council of Magistracy, Mr Daniel Grădinaru, the Prosecutor General of Romania, Mr Alex Florin Florența, and the chief prosecutors of the specialised public prosecutor's offices. The Constitutional Court was present at this event through its President and Judge Laura-Iuliana Scânteii.

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On 18 and 19 September 2023, Ms Claudia Krupenschi, Assistant Magistrate-in-chief and Ms Valentina Bărbățeanu, Assistant Magistrate, participated at the 11th edition of the Summer School organised by the Centre for Training and Development of Human Resources of the Association of Constitutional Courts of Asia and the Equivalent Institutions (AACC), on 'Independence of justice – guaranteeing the right to a fair trial', hosted by the Constitutional Court of the Republic of Türkiye.

The programme was widely attended, as evidenced by the participation of representatives of the European Court of Human Rights and of 26 constitutional courts or equivalent institutions in Europe, Asia and Africa. At the event, the representatives of the Romanian

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Constitutional Court presented a thematic paper outlining the national legislative mechanism and the jurisprudential benchmarks in which the two intrinsic and interdependent values of the democratic rule of law – the independence of the judiciary and the right to a fair trial – are enshrined and guaranteed in our country.

The event created the opportunity to exchange experience between representatives of present constitutional jurisdictions and highlighted the importance of judicial independence and impartiality as a binding standard of respect for the right to a fair trial, without which the principles of the rule of law and constitutional democracy would be rendered ineffective.

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On Tuesday, 19 September 2023, the President of the Romanian Constitutional Court (CCR), Mr Marian Enache, met at the seat of the institution, with the President of the Superior Council of Magistracy (SCM), Mr Daniel Grădinaru, Mr Benke Károly, First Assistant Magistrate of the CCR, also attended the meeting. At the meeting, there was an exchange of ideas on the constitutional protection of judicial independence.

The President of the CCR, Mr Marian Enache, stressed that the principle of judicial independence was an intrinsic component of any democratic society and was expressly enshrined in the Romanian Constitution of 1991. The CCR is the guarantor of the supremacy of the Constitution and, through its case-law, has attached great importance to the principle of judicial independence, which is an expression of the rule of law. The exercise of the judicial function of State through impartial and independent judges subject only to the law was one of the important directions of the case-law of the CCR during the more than 30 years of existence. The stated principle is given concrete expression in a constitutional rule binding on the Parliament, which has the duty to legislate on the establishment of appropriate mechanisms to ensure genuine judicial independence.

It also pointed out that, in its case-law, the CCR had found, in some situations, that legal provisions affecting the independence of the judiciary were unconstitutional, a constitutional guarantee of the fact that judges are not ‘subject’ to another power or other persons and are ‘subject’ to the law alone.

For his part, the President of the SCM, Mr Daniel Grădinaru, welcomed the initiative to organise a meeting and took the view that it constitutes an opening of formal and informal interinstitutional dialogue between State authorities, which ultimately need to cooperate in a principled and loyal manner for the exchange of information and best practices between them in order to ensure that the Constitution and the laws are complied with. The SCM is a public authority which, by virtue of its powers, on the one hand, mediates the constitutional relations between the judiciary and the legislature and the executive, and, on the other hand, ensures the functional implementation of that principle.

At the same time, he pointed out that one of the guarantees of judicial independence is to ensure adequate funding of the judiciary in order to fulfil its constitutional role within the optimum parameters.

The two Presidents also addressed issues concerning the relationship between national and European law, between the decisions of the CCR, the courts and the Court of Justice of the European Union, underlining the need for continuous judicial dialogue between them.

Both sides stressed the importance of respecting the independence of the judiciary in the context of the effective application of the principle of separation and balance of powers in the framework of constitutional democracy.

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On Tuesday, 26 September 2023, the President of the Romanian Constitutional Court (CCR), Mr Marian Enache, received the visit of the delegation of the Committee on Constitution and Law of the National Congress of the Chinese People's Representatives, led by its President, Ms XIN Chunying.

The Chinese delegation was composed of Ms Li Yuping and Mr Gao Zicheng, members of the Committee on Constitution and Law of the National Congress of the Chinese People's Representatives, and Ms Li Chunli, Deputy Director-General of the Administrative Directorate for Legislative Affairs, Mr Wang Long, Deputy Director at Office level of the Administrative Directorate of the Committee on Legislative Affairs, Ms. Yu Shasha, Secretary of the Administrative Directorate of the Committee on Legislative Affairs, members of the Standing Committee of the National Congress of the Chinese People's Representatives. China Embassy in Bucharest was represented by Ms Hua Yafang, Ad-Interim Commercial Affairs Attaché and Mr Qiao Junjie, Secretary III.

Likewise, on behalf of the Constitutional Court of Romania, the following were present: Mr Benke Károly, First Assistant Magistrate, Ms Cristina Titirișcă, Assistant Magistrate, and Ms Mădălina Verman, counsellor within the External Relations, Press and Protocol Department.

The meeting took place in a constructive atmosphere and the two sides discussed in a cordial setting.

In his introductory remarks, President Marian Enache summarised the constitutional developments in Romania, as a full Member State in the European Union, the procedure for the appointment of constitutional judges, the powers and effects of decisions of the Constitutional Court. He also stressed that Romania has had a serious tradition of constitutionalism and constitutional culture, and that new provisions on the Euro-Atlantic integration of the country were introduced upon the 2003 revision of the 1991 Constitution.

The President of the CCR further indicated that the universal values of the Constitution must ensure respect for the fundamental rights and freedoms of the citizens of the peoples of the world, regardless of existing political regimes, and delegitimize attempts to affect or violate the constitutional order of each State. These universal values of constitutional nature, which have at their core the human rights and fundamental freedoms, must ultimately ensure the national– international balance, the peace and the well-being of peoples.

Mr Marian Enache referred to the difference between the two constitutional systems, namely judicial review by a special and specialised body outside the perimeter of the three powers in the State, characteristic of Romania and of the European model, on the one hand, and a political review of constitutionality by a committee established at parliamentary level, on the other, stating that the model of constitutionalism is the political choice of each State.

The President of the CCR stressed that constitutional justice is an indispensable condition of the rule of law in any democracy and that every constitutional court is a court of rights and freedoms, and that these aspects are at the heart of the rule of law.

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For her part, Ms XIN Chunying stated that this was her first meeting abroad since her appointment to office and that there is no separate court in China as it is in Romania, which is why the Committee on Constitution and Law is a very important body in the implementation and promotion of the Constitution. According to her presentation, the Constitution in force in China was adopted in 1982 and was amended five times, following the American model, by draft amendments, the number of which was 52 to date.

Ms XIN Chunying explained that this system with draft amendments had been chosen given that an important role of the Constitution was to be predictable and that society had to see the stability of that model of China. In this respect, she pointed out that the 1982 Constitution facilitated China's transition to a market economy.

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On Tuesday, 26 September 2023, the President of the Romanian Constitutional Court (CCR), Mr Marian Enache, met with Professor Peter L. Lindseth, a professor of the Faculty of Law of the Connecticut University, United States.

The meeting was also attended by Prof. Dr. Bogdan Iancu, a professor of the Faculty of Political Sciences of the University of Bucharest, and, on behalf of the Court, by Mr Benke Károly, First Assistant Magistrate, Mrs Cristina Titirișcă, Assistant Magistrate, and Mrs Oana Răican, counsellor within the External, Relation, Press and Protocol Department.

In his introductory speech, Mr Marian Enache pointed out that the meeting took place on a day of particular significance in the constitutional history of the United States, as on 26 September 1789 the US Senate, on a proposal from George Washington, confirmed in office the first 6 Justices of the Supreme Court in its composition from 1789 to 1795.

The President of the Court made a brief presentation of the constitutional review of laws in Romania, which dates back to 1912, when the American model was adopted through the praetorian process. He stated that the review of constitutionality was enshrined in the Constitution of 1923, also in accordance with the American model, which was in force until 1947. He continued with a brief account of the Romanian institution of constitutional jurisdiction, the procedure for the appointment of judges, the powers and effects of the decisions of the Constitutional Court, pointing out that all referrals were heard in the Plenum, as there was no complete filter for referrals.

For his part, Professor Peter L. Lindseth emphasised his training as a specialist in administrative law and that, from that point of view, he considered European integration to be essential for the development of the State. As a researcher, he pointed out that the European Union still has a strong administrative dimension since working together with Member States is essential to securing its financial resources. The constitutional dimension can be achieved by a structure such as that of the EU only in so far as it can autonomously secure its financial resources, by its own will, meaning that a political decision of the Member States is required. He stressed that the legitimacy of the EU still rests on the constitutional legacy of the Member States.

Mr Marian Enache mentioned the role of the Court of Justice of the European Union (CJEU) in the interpretation of European law and the mechanism of questions referred for a preliminary ruling as a means of judicial dialogue between the European Court and the

national courts of the Member States. He also pointed out that there is an openness to a dialogue between the Constitutional Court of Romania and the CJEU, as well as the fact that the existence of constitutional courts is a guarantee of the rule of law whose essence concerns the protection of citizens' rights and freedoms.

At the end of the meeting, it was concluded that any decision of a constitutional court is both an act of jurisdiction and an act of democracy in view of its prerogatives.

Professor Peter L. Lindseth was invited to sign in the Book of Honor of the Constitutional Court of Romania.

On the same day, Professor Peter L. Lindseth gave a lecture to the assistant magistrates of the Constitutional Court entitled "Beyond 'As If' Constitutionalism: Revenue, Borrowing, and Spending in the New Regime of European Integration".

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On 30 September 2023, Mr Marian Enache, President of the Constitutional Court of Romania, And Judge Laura-Iuliana Scânteï participated in the events occasioned by the 16th anniversary of the enthronement of His Beatitude, Father Patriarch Daniel.

On this occasion, Mr Marian Enache addressed a message, which can be read on pages 219-220 of this volume.

## **OCTOBER**

On 5 October 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, together with Judge Laura-Iuliana Scânteï, attended the release of the collective volume "După 30 de ani: Justiția constituțională în România" (*30 Years Later: The Constitutional Justice in Romania*), coordinated by Prof. Bogdan Dima and Prof. Vlad Perju.

The book release event took place at the Faculty of Law of the University of Bucharest.

On this occasion, Mr Marian Enache addressed a message, which can be read on pages 221-224 of this volume.

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On Friday, 6 October 2023, the President of the Constitutional Court of Romania (CCR), Mr Marian Enache, met at the institution's seat, with MP Gunther Krichbaum, member of the German Bundestag, member of the European Affairs Committee and spokesperson for European Affairs in the Christian Democratic Union (CDU).

The meeting was also attended, on behalf of the Court, by Mrs Cristina Titirișcă, Assistant Magistrate, and Mrs Mădălina Verma, counsellor within the External, Relation, Press and Protocol Department, and, on behalf of the Embassy of Germany in Bucharest, Mrs Sonja Gebauer, head of the Press and Protocol Department and political adviser.

At the beginning of the talks, Mr Marian Enache congratulated the MP on the recent 33<sup>rd</sup> anniversary of the German Reunification, and conveyed the gratitude to Germany for its constant and unequivocal support for Romania's accession to the Schengen area.

The President of the Court referred to the close relations between Romania and the Federal Republic of Germany, which were also reflected in the cooperation between the two

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constitutional courts of the two States. He also stressed that one of the objectives of his mandate is an even greater openness of the court to the European institutions and domestic and international academia.

At the same time, the President of the Court recalled the jurisprudence of the Constitutional Court in Karlsruhe, which is one of the most valuable constitutional courts in Europe. In this context, as former Vice-President of the Constituent Assembly and member of the Commission for drafting the Draft Constitution of Romania of 1991, Mr Marian Enache mentioned the advice that Romania benefited from German experts, when drafting the draft Constitution of 1991.

In turn, the German MP briefly explained the current aspects of the rule of law in the European Union, as well as the relations between European Union law and national legal order, the relationship between the supremacy of national constitutions and the principle of priority of European Union law in the EU Member States. He also expressed his interest in knowing the recent case-law of the Constitutional Court of Romania and the current state of the rule of law in Romania.

Mr Marian Enache mentioned the decisions of the Constitutional Court of Romania regarding the legislative amendments to the Criminal Code and the Code of Criminal Procedure, those on service pensions or the decision on prohibiting the cumulation of pension with salary, and stated that the Court had been referred with an objection of unconstitutionality regarding some fiscal-budgetary measures to ensure Romania's long-term financial sustainability, adopted by Government's assumption of responsibility.

At the end of the meeting, both sides appreciated the discussions and expressed their firm desire to continue the dialogue.

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On 6 October 2023, Mr Benke Károly, First Assistant Magistrate, participated, as correspondent of the Romanian Constitutional Court, in the meeting of correspondent agents of the Judicial Network of the European Union, organised in Luxembourg. The agenda of the meeting was structured in two sessions: Future cooperation within the Network and Artificial Intelligence and Justice.

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Between 9-10 October 2023, a group of 10 Assistant-Magistrates of the Romanian Constitutional Court and 2 judicial assistants of the Constitutional Court of the Republic of Moldova carried out a study visit to the Court of Justice of the European Union (CJEU), in Luxembourg.

During the visit, meetings took place with Mr Koen Lenaerts, President of the CJEU, and Ms Octavia Spineanu-Matei, judge of the CJEU, where the discussions concerned *inter alia* the recent case law of the European court, including issues concerning national identity and the doctrine of counter-limits, as well as the necessity and importance of judicial dialogue between constitutional courts and the CJEU in the form of references for a preliminary ruling.

Meetings were also held with Ms Mirela Stancu and Mr Ion Gâlea, Judges at the General Court of the European Union, where the case-law and the specific nature of the work of that

court were discussed; moreover, judge Gâlea presented the facts of a case concerning restrictive measures; the participants subsequently had the opportunity to attend the hearing in that case.

Participants also had meetings with Ms Ramona Șereș, administrator at the Registry of the CJEU, Ms Cristina Prunaru, legal secretary in the cabinet of Judge Octavia Spineanu-Matei, Ms Ana Constantinescu, assistant in the cabinet of Judge Ion Gâlea, Ms Ioana Gheorghe-Bădescu, an expert in the Research and Documentation Directorate, Mr Cristian Gogoșanu, lawyer-linguist, and Ms Emese Csiki, assistant in the library, who gave presentations in their respective areas.

The presentations highlighted issues relating to the organisation, functioning, procedures and working procedures at the level of the CJEU, how documentation and research are carried out, the role of the advocate-general and of the linguistic expert, as well as all books and materials in the library of the CJEU.

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On 13 October 2023, Judge Elena-Simina Tănăsescu participated in the Seminar entitled *Judicial dialogue through the advisory opinion mechanism under Protocol No. 16*, held in Strasbourg.

The event organised by the European Court of Human Rights was attended by highly representatives, with the participation of presidents of national higher courts and permanent representatives of all Member States of the Council of Europe and with speeches by Ms Síofra O’Leary, President of the European Court of Human Rights, and Marija Pejčinović Burić, Secretary-General of the Council of Europe.

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On Friday 20 October 2023, the President of the Romanian Constitutional Court, Mr Marian Enache, participated in the Scientific Communications Session on “The crisis of law in the contemporary world”. The event, organised annually by the Romanian Academy of Legal Sciences, took place in the “Aula Magna” of the Academy of Economic Studies in Bucharest.

On this occasion, Mr Marian Enache gave a lecture, which can be read on pages 195-197 of this volume.

The President of the Court underlined that this initiative is part of the existing efforts in the field of legal science at academic, national and international level, which constitute an essential prerequisite for the development of research and culture of contemporary Romanian law.

President Marian Enache took the view that the title of the conference brings to the debate the concept of crisis, which, in my view, although bivalent in nature, must rather be seen as a moment in the development of a field of scientific or institutional activity, which offers the opportunity to reset and rethink a new creative potential under new conditions. It is necessary to perceive crises in these terms, because it is constructive to give crises a positive sense in order to achieve a beneficial outcome and effect, and not to consider them as an insurmountable turning point for the development of concepts, ideas, knowledge processes and social action.



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Crises, which mark the evolution of any development phenomenon, can provide a momentum and a reconsideration of the knowledge process and in itself pose a real challenge for law professionals. These multifaceted challenges must be taken into account in research into the development processes/structures of each area in which, in our case, they are reflected in the various forms of expression of the legal phenomenon.

The President of the Court pointed out that the challenges of law science and its application represent a moment for the development of scientific knowledge and research and for the application thereof, and in no way a moment of concern about the how to face the new, which inexorably constitutes a prerequisite of progress in any human-type activity. Therefore, crisis can be regarded as an appropriate circumstance for finding innovative solutions in the legal field and for developing new valences of the extension in the application of the law.

Furthermore, at the events of the Annual Session of Scientific Communications, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the Gala of the Romanian Academy of Legal Sciences on Thursday 19 October 2023, at the Cotroceni Palace Museum. During Gala, amongst other legal professionals, the Romanian Academy of Legal Sciences awarded the President of the Constitutional Court of Romania, Mr Marian Enache, the merit award for personalities who contributed to the promotion and development of legal culture and science. The event was also attended by Judge Laura-Iuliana Scântei and Judge Dimitrie-Bogdan Licu.

## **NOVEMBER**

On Monday, 6 November 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the opening session of the annual conference of the Competition Council – “Competition in key sectors”. The event took place at the National Military Circle, in the Marble Hall.

On this occasion, Mr Marian ENACHE addressed a speech, which can be read on pages 217-218 of this volume.

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On Monday, 13 November 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the works of the postgraduate course “Internal Affairs Top Management”, organized by the National College of Internal Affairs within the “Alexandru Ioan Cuza” Police Academy.

On this occasion, Mr Marian Enache held a lecture entitled “The Constitutional Court of Romania – the sole authority of constitutional jurisdiction. The role of the Constitutional Court in ensuring the balance of State powers”, which can be read on pages 204-213 of this volume.

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On 16 and 17 November 2023, Judge Cristian Deliorga and Judge Gheorghe Stan, accompanied by Mrs Ana-Maria Saon, counsellor within the External, Relation, Press and

Protocol Department, represented the Constitutional Court of Romania in the International Conference with the topic “Human Rights: A European Perspective”.

The event organised by the Constitutional Tribunal of the Republic of Poland in Warsaw was attended by representatives of national authorities and by foreign representatives, presidents and judges of constitutional courts and supreme courts in Europe, amongst whom, both Presidents of the Constitutional Court of Belgium, Mr Luc Lavrysen and Mr Pierre Nihoul, the President of the Supreme Court of the Czech Republic, Mr Petr Angyalossy, the Vice-President of the Constitutional Court of Georgia, Manana Kobakhidze, the Vice-President of the Constitutional Court of the Republic of Bosnia and Herzegovina, Mr Zlatko M. Knežević, and representatives of the academic world, thus providing an excellent opportunity to strengthen inter-institutional dialogue.

The conference took place over two days and was structured in three panels: Human Rights – Their Immutability and Their Dynamics (in general and in detail), Pluralism of Axiological Preferences as a Factor Determining how Human Rights are Understood, and Intensification and integration of measures furthering the protection of human rights – opportunities and threats. Human rights in the conditions of war and the practices of totalitarian regimes.

The interventions during the panels were followed by rounds of debates in which many participants expressed a real interest in the experience and practice of their colleagues from other jurisdictions, which evidence once more the importance of meetings between members of authorities of constitutional jurisdiction.

## **DECEMBER**

On Friday, 1 December 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended the military parade organized at the Arc de Triomphe Square in Bucharest, on the occasion of Romania’s National Day. Also, on the same day, together with the judges – Mrs Livia-Doina Stanciu, Mrs Mihaela Ciocină, Mrs Laura-Iuliana Scânteii, Mr Cristian Deliorga, Mr Gheorghe Stan, Mr Dimitrie-Bogdan Licu, President Enache attended the reception offered at the Cotroceni Palace on the National Day.

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On Tuesday, 5 December 2023, the President of the Constitutional Court, Mr Marian Enache, together with Mr Benke Károly, First Assistant-Magistrate, attended the opening ceremony of the THEMIS 2023 Grand Final, organized by the National Institute of Magistracy (NIM) and the European Justice Training Network (EJTN).

On this occasion, the President of the Constitutional Court, Mr Marian Enache, delivered a speech in the Aula of the NIM, stressing the importance of training judges and prosecutors in the organized and professionalized system of the European schools of magistracy, as well as the need to exchange experiences and good practices in the field of law, in order to facilitate the need for a specialized dialogue both between national legal orders, and between them and the legal order of the European Union.

Exchanges of experience, in their various forms, carried out through the schools of magistracy, contribute to creating a European legal awareness promoting the values

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underlying the European Union. The competitions organised by the schools of magistracy within the organisational framework provided by the EJTN aim to bring together future judges and prosecutors from different European countries in a joint effort to capitalise on the ideas and principles that are part of Europe’s judicial heritage.

The President of the Constitutional Court, Mr Marian Enache, also highlighted that the theme of the Bucharest edition of the THEMIS 2023 competition – Access to justice – capitalizes on a concept of constitutional essence, which is part of the common European constitutional heritage, as evidenced by its enshrinement both in the Convention for the Protection of Human Rights and Fundamental Freedoms and in the Charter of Fundamental Rights of the European Union.

The President of the Constitutional Court of Romania stressed the need to study constitutional law within the schools of magistracy, this subject being, in fact, part of the NIM curriculum.

The President of the Constitutional Court, Mr Marian Enache, invited the participants in the competition for a visit at the Constitutional Court of Romania, considering the good cooperation between the CCR and the NIMs, and wished those present good luck with the event, as well as to the eight teams qualified for the THEMIS 2023 final, coming – in alphabetical order – from France, Italy, the Netherlands and Romania.

The speech delivered by Mr Marian Enache can be read on pages 214-216 of this volume.

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On Wednesday, 6 December 2023, the Constitutional Court of Romania organised in Chisinau, at the National Museum of History of Moldova, a thematic exhibition of documents and photographs for the celebration of the “Centenary of the Constitution of Unified Romania (1923 – 2023)”, the first fundamental law that legislated the state organisation, as well as the fundamental rights and freedoms of citizens on both sides of the Prut.

At this event was present Mr Marian Enache, President of the Constitutional Court of Romania, who delivered, at the opening of the exhibition, a speech on the role and importance of the Constitution of 1923, as well as the meanings of the celebration of the Centenary of the Constitution of Unified Romania. The text of the speech can be read on pages 175-179 of this volume.

The event was attended, on behalf of the Constitutional Court of Romania, by Judge Laura-Luliana Scântei, as curator of the exhibition on the evolution of constitutional history in Romania.

On this occasion, the President of the Academy of Sciences of Moldova, academician Ion Tighineanu, handed to President Marian Enache the “Dimitrie Cantemir” Medal conferred on the Constitutional Court of Romania on the occasion of the Centenary of the Constitution of Unified Romania and in the context of the 350th anniversary of the birth of the great scholar of Romanian humanism, Prince of Moldova, Dimitrie Cantemir.

The opening of the exhibition dedicated to the 100th anniversary of the adoption of the 1923 Constitution took place during an opening organized on Wednesday, 6 December 2023, at 11.00, at the National Museum of History of Moldova in Chisinau, with the participation of representatives of the Presidency of the Republic of Moldova, of the Parliament and of the

Government, of judges of the Constitutional Court of Romania and of the Constitutional Court of the Republic of Moldova, as well as of representatives of the Academy of Sciences of Moldova and of the State University of Moldova, important figures from political life and legal and cultural fields.

The exhibition can be visited until 20 January 2024, in the Union Hall of the National Museum of History of Moldova in Chisinau. The original copy of the Constitution of 1923 and the Romanian Constitution of 1866 are displayed therein, with the support of the institutional partners of the event: Presidential Administration of Romania – Cotroceni National Museum, National Bank of Romania and Bucharest Metropolitan Library.

The 1923 Constitution was adopted by the Assembly of Deputies and the Senate, convened as National Constituent Assemblies in the Parliament of Bucharest on 26 and 27 March 1923, being promulgated by King Ferdinand by Royal Decree No 1360 of 28 March 1923, countersigned by the President of the Council of Ministers, Ion I. C. Brătianu, and 14 ministers, and published in the “Official Gazette” No 282 of 29 March 1923.

Romania and the Republic of Moldova have profound common affinities in terms of history, faith, language and traditions and recall through this event an essential moment in their constitutional evolution. The Constitution of 1923 is the common democratic constitutional dowry, preserving for the knowledge of future generations, on both sides of the Prut, common constitutional roots and directs them towards a common European future.

Considering its importance for the common constitutional history, the Constitutional Court of Romania, the guarantor for the supremacy of the Constitution, declared by the Plenum Decision of 18 January this year that 2023 would be the Year of the “Centenary of the Constitution of Unified Romania” and organised on this anniversary occasion a solemn Assembly at the Palace of Parliament in Bucharest on 27 March 2023, with the participation of the President of Romania, Klaus Werner IOHANNIS, the Presidents of the Senate and Chamber of Deputies, the Prime Minister and the members of the Government of Romania, the judges of the Constitutional Courts in Bucharest and Chisinau, the representatives of the High Court of Cassation and Justice, the Patriarch of the Romanian Orthodox Church, the representatives of other denominations and the diplomatic corps, as well as representatives of the central public authorities and the academia in the country and abroad.

The event dedicated to the Centenary was attended by Mr Koen Lenaerts, President of the Court of Justice of the European Union, Ms Octavia Spineanu-Matei, Judge on behalf of Romania at the Court of Justice of the European Union, Ms Claire Bazy-Malaurie, President of the European Commission for Democracy through Law, Mr Mamadou Badio Camara, President of the Association of Francophone Constitutional Courts (A.C.C.F.), presidents and judges of other European constitutional courts.

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On 6 December, at the invitation of the President of the Constitutional Court, Mr Marian Enache, representatives of the eight teams qualified in the THEMIS 2023 Grand Final, organised by the National Institute of Magistracy (INM) and the European Justice Training Network (EJTN), carried out a study visit to the premises of the Romanian Constitutional Court.

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Mr Varga Attila, Judge of the Constitutional Court, and Mr Benke Károly, First Assistant Magistrate, welcomed the young lawyers from France, Italy, Romania and the Netherlands, who were accompanied by Ms Lucreția-Albertina Postelnicu, Deputy Director of the INM, and Ms Andra Elena Ghebri – Head of the Initial Training Department of the INM, as well as Ms Margreet Blaisse, Dean of the Dutch Centre for Legal Studies and Judicial Training, holding the Presidency of the EJTN Steering Committee, and Mr Flavio Mastrorillo, manager of the THEMIS 2023 Project.

At the opening of the meeting, Judge Varga Attila conveyed the welcome speech of President Marian Enache and briefly outlined the role and institutional position of the Constitutional Court in the national constitutional system. Next, Mr Benke Károly presented the organisation and functioning of the Constitutional Court and its powers, in particular those relating to the review of constitutionality *a priori* and *a posteriori* by way of exception of unconstitutionality and the resolution of legal conflicts of a constitutional nature. Issues derived from the case-law of the constitutional court were also discussed, as well as questions of principle concerning the effects of the decisions of the Constitutional Court, the typology of such decisions and the relationship with the Court of Justice of the European Union.

The meeting took place in a collegial setting, where participants showed a particular interest in the work carried out by the Romanian Constitutional Court.

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On Thursday, 7 December 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended together with Judge Laura-Iuliana Scântei, the event marking the launch of the silver coin dedicated to the 100<sup>th</sup> anniversary of the National Military Museum “King Ferdinand I” and the opening of the exhibition organised on that occasion. The event took place at the seat of the National Bank of Romania and was attended by high officials and high representatives of the Romanian Armed Forces, the Orthodox Church and other religions in Romania.

On this occasion, Mr Marian Enache addressed a message, which can be read on pages 225-227 of this volume.

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On Friday, 8 December 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, attended together with Mr Varga Attila, the Gala of Scientific Awards of the Union of Jurists in Romania.

On that occasion, President Marian Enache and Judge Varga Attila received the *Anibal Teodorescu* Award in the field of Public Law for the publication “Parlamentul României în jurisprudența Curții Constituționale” (*Parliament of Romania in the case-law of the Constitutional Court*), published at C.H.Beck Publishing House.

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On Friday, 8 December 2023, the President of the Constitutional Court of Romania, Mr Marian Enache, awarded prizes to the students who won the first edition of the essay contest on: “*The most important fundamental right for me is ...*”, organised on Romania’s Constitution Day. The contest is part of the series of events included in the programme

“*Young people, friends of the Constitution*”, initiated by the Constitutional Court in 2023, as to involve the new generations in projects aimed at raising awareness and promoting the fundamental rights and freedoms of citizens, as well as the spirit of the Fundamental Law.

The award ceremony was also attended by Mrs Laura - Iuliana Scânteii, Constitutional Judge, Mr Benke Károly, First Assistant Magistrate, and Mrs Cristina Titirișcă, Assistant Magistrate.

The members of the contest jury were Judge Elena-Simina Tănăsescu, Judge Laura – Iuliana Scânteii and Assistant Magistrate Cristina Titirișcă, while the President of the Constitutional Court, Judge Marian Enache, as jury president, coordinated the jurying of the candidates’ works. The contest jury selected 18 winning essays in two distinct sections: *The High School Students Category* and *the University Students Category*, and proposed awarding three categories of prizes to each section: First Prize, Excellence and Honourable Mention Award.

The prizes offered by the Constitutional Court to each winner at the first edition of the essay contest consisted of: an internship at the Chancellery of the Constitutional Court in 2024, the publication on the website of the CCR of the list of winners and of the relevant extracts from the awarded essays, a diploma, as well as books [*Constitution of Romania – trilingual edition and pocket edition, “Monica Lovinescu, o viață, o voce, un destin”* (Monica Lovinescu, a life, a voice, a destiny) – Cristina Cioabă, *“Mihnea Constantinescu, Omul care a schimbat România fără ca noi să știm”* (Mihnea Constantinescu, the man who changed Romania without us knowing it) – Iulian Comănescu].

The winning students come from the Faculty of Law – University of Bucharest, the “Gheorghe Lazăr” National College in Bucharest, the “Spiru Haret” National College in Bucharest and the Laude-Reut Educational Complex. The list of winners and prizes can be found at <https://www.ccr.ro/tinerii-prietenii-constitutiei/>.

The contest consisted in writing an essay about a fundamental right or freedom enshrined in the Romanian Constitution, the candidates elaborating in an original way on why they consider a particular right / freedom to be the most important for them.

Opening the award ceremony, President Marian Enache stressed the importance of the Romanian Constitution Day – 8 December. A Constitution is important for a people because, through the values and principles it enshrines, it expresses its national identity and the fundamental choices for the rule of law and democracy.

The President told students that the best form of respect for the Constitution is the knowledge of the Fundamental Law, which includes the rules for the organization and functioning of the state, as well as the rights and freedoms of citizens. It also assured them that the constitutional judges and the assistant- magistrates of the Court are open and interested in similar future actions involving young people aimed at the knowledge and promotion of the country’s Constitution.

At the end of the ceremony, the President of the Court expressed his hope that this first edition of the Essay Contest dedicated to the Day of the Romanian Constitution will be a source of inspiration in the coming years, with the common aim of promoting fundamental rights and freedoms, the principles of the rule of law and constitutional democracy, reiterating his desire to diversify the projects involving students in Bucharest and in the country within the programme of the Constitutional Court “*Young people, friends of the Constitution*”.