

# Romania - Constitution

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## Title I General Principles

### Article 1 [State Principles]

- (1) Romania is a sovereign, independent, unitary, and indivisible Nation State.
- (2) The form of government of the Romanian State is a Republic.
- (3) Romania is a democratic and social State governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice, and political pluralism represent supreme values and shall be guaranteed.

### Article 2 [Popular Sovereignty]

- (1) National sovereignty resides with the Romanian people, who shall exercise it through its representative bodies and by referendum.
- (2) No group or person may exercise sovereignty in one's own name.

### Article 3 [Territory]

- (1) The territory of Romania is inalienable.
- (2) The frontiers of the Country are sanctioned by an organic law, under observance of the principles and other generally recognized regulations of international law.
- (3) The territory is organized administratively into communes, towns and counties. Some towns are declared municipalities, according to the provisions of the law.
- (4) No foreign populations may be displaced or colonized in the territory of the Romanian State.

### Article 4 [Unity, No Discrimination]

- (1) The State foundation is laid on the unity of the Romanian people.
- (2) Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property, or social origin.

### Article 5 [Citizenship]

- (1) Romanian citizenship can be acquired, retained or lost as provided for by the organic law.
- (2) Romanian citizenship cannot be withdrawn if acquired by birth.

### Article 6 [Minorities]

- (1) The State recognizes and guarantees the right of persons belonging to national minorities, to the preservation, development, and expression of their ethnic, cultural, linguistic, and religious identity.
- (2) The protecting measures taken by the Romanian State for the preservation, development, and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in

relation to the other Romanian citizens.

### **Article 7 [Romanians Abroad]**

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

### **Article 8 [Political Parties]**

- (1) Pluralism in the Romanian society is a condition and safeguard of Constitutional democracy.
- (2) Political parties may be constituted and pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order, and the principles of democracy.

### **Article 9 [Unions]**

Trade unions may be constituted and pursue their activities in accordance with their own statutes, as provided for by law. They contribute to the defence of the rights and promotion of the professional, economic, and social interests of their members.

### **Article 10 [Peaceful Relations]**

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

### **Article 11 [International Treaties]**

- (1) The Romanian State pledges to fulfil as such and in good faith its obligations as deriving from the treaties it is a party to.
- (2) Treaties ratified by Parliament, according to the law, are part of national law.

### **Article 12 [State Symbols]**

- (1) The flag of Romania is tricolor; the colors are arranged vertically in the following order from the flag pole: blue, yellow, and red.
- (2) The National Day of Romania is 1 Dec.
- (3) The National Anthem of Romania is "Awake, Romanians."
- (4) The country's Coat of Arms and the Seal shall be established by organic laws.

### **Article 13 [Language]**

In Romania, the official language is Romanian.

### **Article 14 [Capital]**

The Capital of Romania is the City of Bucharest.

## **Title II Fundamental Rights, Freedoms and Duties**

### **Chapter I General Provisions**

#### **Article 15 [Rule of Law, No Retroactive Law]**

- (1) All citizens enjoy the rights and freedoms granted to them by the Constitution and other laws, and have the duties

laid down thereby.

(2) The law acts only for the future, with the exception of the more favorable penal law.

#### **Article 16 [Equality, Public Office]**

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

(2) No one is above the law.

(3) Access to a public office or dignity, civil or military, is granted to persons whose citizenship is only and exclusively Romanian and whose domicile is in Romania.

#### **Article 17 [Protection Abroad]**

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

#### **Article 18 [Rights of Foreigners, Asylum]**

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

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

#### **Article 19 [Expulsion, Extradition]**

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

(2) Aliens and stateless persons may be extradited only in compliance with an international covenant or in terms of reciprocity.

(3) Expulsion or extradition shall be ruled by the Court.

#### **Article 20 [Precedence of Human Rights]**

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

(2) Where inconsistencies exist between the covenants and treaties on fundamental human rights Romania is a party to and internal laws, the international regulations shall take precedence.

#### **Article 21 [Access to Courts]**

(1) Every person is entitled to bring cases before the courts for the defence of his legitimate rights, liberties, and interests.

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

### **Chapter II Fundamental Rights and Freedoms**

#### **Article 22 [Life, Personal Integrity, No Death Penalty]**

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

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

(3) The death penalty is prohibited.

#### **Article 23 [Personal Liberty, Arrest]**

- (1) Individual freedom and security of person are inviolable.
- (2) Search, detainment, or arrest of a person shall be permitted only in the cases and under the procedure provided by law.
- (3) Detention may not exceed twenty-four hours.
- (4) Arrest shall be made under a warrant issued by a magistrate, for a maximum period of thirty days. The person arrested may lodge a complaint to the court about the legality of the warrant, and its Judge is bound to make a pronouncement by a motivated decision. The period of arrest may be extended only by a decision of the court.
- (5) Any person detained or arrested shall be promptly informed, in a language he understands, of the grounds for his detention or arrest, and notified of the charges against him, as soon as practicable; the notification of the charges shall be made only in the presence of a lawyer of his own choosing or appointed *ex officio*.
- (6) The release of the person detained or arrested shall be obligatory, if the grounds for his detention or arrest cease to exist.
- (7) A person under preventive custody shall have the right to apply for provisional release, under judicial control or on bail.
- (8) Any person shall be presumed innocent until found guilty by a final decision of the court.
- (9) Penalties can be established or applied only in accordance with and on the grounds of the law.

#### **Article 24 [Defence, Counsel]**

- (1) The right to defence is guaranteed.
- (2) Throughout the trial, the parties shall have the right to be assisted by a lawyer of their own choosing or appointed *ex officio*.

#### **Article 25 [Movement]**

- (1) The right of free movement within the national territory and abroad is guaranteed. The law shall lay down the conditions for the exercise of this right.
- (2) Every citizen is guaranteed the right to establish his domicile or residence anywhere in the country, to emigrate, and to return to his country.

#### **Article 26 [Privacy]**

- (1) The public authorities shall respect and protect the intimate, family, and private life.
- (2) Any natural person has the right to freely dispose of himself unless by this he causes an infringement upon the rights and freedoms of others, on public order, or morals.

#### **Article 27 [Home]**

- (1) The domicile and the residence are inviolable. No one may enter or remain in the domicile or residence of a person without consent.
- (2) Derogation from provisions under Paragraph (1) is permissible by law, in the following circumstances:
  - a) for carrying into execution a warrant of arrest or a court sentence;
  - b) to remove any danger against the life, physical integrity, or assets of a person;
  - c) to defend national security or public order; and
  - d) to prevent spreading of epidemics.
- (3) Searches may be ordered only by a magistrate and carried out exclusively under observance of the legal procedure.
- (4) Searches at night time shall be prohibited, except in cases of *flagrante delicto*.

#### **Article 28 [Secrecy of Communication]**

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

## **Article 29 [Religion]**

- (1) Freedom of thought, opinion, and religious beliefs may not be restricted in any form whatsoever. No one may be compelled to embrace an opinion or religion contrary to his own convictions.
- (2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.
- (3) All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law.
- (4) Any forms, means, acts, or actions of religious enmity shall be prohibited in the relationships among the cults.
- (5) Religious cults shall be independent from the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes, and orphanages.
- (6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them.

## **Article 30 [Expression]**

- (1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds, or other means of communication in public are inviolable.
- (2) Any censorship shall be prohibited.
- (3) Freedom of the press also involves the free setting up of publications.
- (4) No publication may be suppressed.
- (5) The law may impose upon the mass media the obligation to publicize their financing source.
- (6) Freedom of expression shall not be prejudicial to the dignity, honor, and privacy of person, and the right to one's own image.
- (7) Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.
- (8) Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offenses of the press shall be established by law.

## **Article 31 [Information, Media Participation]**

- (1) A person's right of access to any information of public interest cannot be restricted.
- (2) The public authorities, according to their competence, shall be bound to provide for correct information of the citizens in public affairs and matters of personal interest.
- (3) The right to information shall not be prejudicial to the protection of the young or to national security.
- (4) Public and private media shall be bound to provide correct information to the public opinion.
- (5) Public radio and television services shall be autonomous. They must guarantee for any important social and political group the exercise of the right to be on the air. The organization of these services and the Parliamentary control over their activity shall be regulated by an organic law.

## **Article 32 [Education]**

- (1) The right to education is provided for by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as other forms of instruction and post-graduate courses for refreshing education.
- (2) Education of all grades shall be in Romanian. Education may also be conducted in a foreign language of international use, under the terms laid down by law.
- (3) The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law.
- (4) Public education shall be free, according to the law.
- (5) Educational establishments, including private institutions shall be set up and conduct their activity according to the

provisions of the law.

(6) The autonomy of the Universities is guaranteed.

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

### **Article 33 [Health]**

(1) The right to the protection of health is guaranteed.

(2) The State shall be bound to take measures to ensure public hygiene and health.

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

### **Article 34 [Electoral Rights]**

(1) Every citizen having attained the age of eighteen by or on the election day shall have the right to vote.

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

### **Article 35 [Eligibility]**

(1) Eligibility is granted to all citizens having the right to vote, who meet the requirements in Article [16 \(3\)](#), unless they are forbidden to join a political party, in accordance with Article [37 \(3\)](#).

(2) Candidates must have attained, by or on the election day, the age of at least twenty-three, to be elected to the Chamber of Deputies or local administration, and at least thirty-five, to be elected to the Senate or to the office of President of Romania.

### **Article 36 [Assembly]**

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

### **Article 37 [Association, Political Parties, Unions]**

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

(2) Any political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity, or independence of Romania shall be unconstitutional.

(3) Judges of the Constitutional Court, the Advocates of the People, magistrates, active members of the Armed Forces, policemen, and other categories of civil servants, established by an organic law, may not join political parties.

(4) Secret associations are prohibited.

### **Article 38 [Work]**

(1) The right to work cannot be restricted. Everyone has the free choice of profession and workplace.

(2) All employees have the right to social protection of labor. The protecting measures concern safety and hygiene of work, working conditions for women and the young, the setting up of a minimum wage per economy, weekends, paid annual leave, work carried out under hard conditions, as well as other specific situations.

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

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

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

### **Article 39 [No Forced Labor]**

(1) Forced labor is prohibited.

(2) Forced labor does not include:

- a) any service of a military character or activities performed by those who, according to the law, are exempted from compulsory military service for conscientious objection;
- b) the work of a sentenced person, carried out under normal conditions, during detention or conditional release; and
- c) any services required to deal with a calamity or any other danger, as well as those which are part of normal civil obligations as established by law.

#### **Article 40 [Strike]**

(1) The employees have the right to strike in the defence of their professional, economic, and social interests.

(2) The law shall regulate the conditions and limits governing the exercise of this right as well as the guarantees necessary to ensure the essential services for the society.

#### **Article 41 [Property, Foreigners' Restrictions]**

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

(2) Private property shall be equally protected by law, irrespective of its owner. Foreigners and stateless persons may not acquire the right of property on land.

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

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

(5) Compensations provided under Paragraph (3) and (4) shall be agreed upon with the owner, or by the decision of the court when a settlement cannot be reached.

(6) The right of property compels to the observance of duties relating to environmental protection and ensurance of neighborliness, as well as of other duties incumbent upon the owner, in accordance with the law or custom.

(7) Legally acquired assets may not be confiscated. Legality of acquirement shall be presumed.

(8) Any goods in ended for, used or resulting from a criminal or minor offence may be confiscated only in accordance with the provisions of the law.

#### **Article 42 [Inheritance]**

The right of inheritance is guaranteed.

#### **Article 43 [Social Care, Welfare]**

(1) The State shall be bound to take measures of economic development and social protection, of a nature to ensure a decent living standard for its citizens.

(2) Citizens have the right to pensions, paid maternity leave, medical care in public health establishments, unemployment benefits, and other forms of social care, as provided by law.

#### **Article 44 [Family]**

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

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

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

## Article 45 [Children, Youths]

- (1) Children and the young shall enjoy special protection and assistance in the pursuit of their rights.
- (2) The State shall grant state allowances for children and benefits for the care of sick or disabled children. Other forms of social protection for children and the young shall be established by law.
- (3) The exploitation of minors, their employment in activities that might be harmful to their health or morals, or endanger their life and normal development are prohibited.
- (4) Minors under the age of fifteen may not be employed for any paid labor.
- (5) The public authorities are bound to contribute to secure the conditions towards the free participation of young people in the political, social, economic, cultural, and sporting life of the country.

## Article 46 [Disabled]

The disabled shall enjoy special protection. The State shall ensure the promotion of a national policy of preventive care, treatment, readjustment, education, instruction, and social integration of the disabled, while observing the rights and duties of their parents or legal tutors.

## Article 47 [Petition]

- (1) Citizens have the right to apply to the public authorities by petitions formulated only in the name of the signatories.
- (2) Legally established organizations have the right to forward petitions, exclusively on behalf of the collective body they represent.
- (3) The exercise of the right of petition shall be tax-exempted.
- (4) The public authorities are bound to answer to petitions within terms and under conditions as established by law.

## Article 48 [State Liability]

- (1) Any person aggrieved in his legitimate right by an administrative act or failure of a public authority to solve his application within the legal term is entitled to the acknowledgement of his right, annulment of the act, and remedies for the damage.
- (2) The conditions and limits on the exercise of this right shall be regulated by an organic law.
- (3) The state bears patrimonial liability, according to the law, for damages caused by judicial errors in criminal cases.

## Article 49 [Restrictions]

- (1) The exercise of certain rights or freedoms may be restricted only by law, and only if absolutely unavoidable, as the case may be, for:
  - the defence of national security, public order, health or morals, of the citizens' rights and freedoms;
  - as required for conducting a criminal investigation; and
  - for the prevention of the consequences of a natural calamity or extremely grave disaster.
- (2) The restriction shall be proportional to the extent of the situation that determined it and may not infringe upon the existence of the respective right or freedom.

## Chapter III Fundamental Duties

### Article 50 [Public Office]

- (1) Faithfulness towards the country is sacred.
- (2) Citizens holding public offices, as well as the military, are liable for the loyal fulfillment of the obligations they are bound to, and shall, for this purpose, take the oath as requested by law.



### **Article 51 [Observance of Laws]**

The observance of the Constitution, of its supremacy, and of the laws is binding.

### **Article 52 [Defence, Military Service]**

- (1) Citizens have the right and duty to defend Romania.
- (2) The military service is compulsory for all Romanian male citizens aged twenty, except for the cases provided by law.
- (3) To be trained in the active military service, citizens may be conscripted up to the age of thirty-five.

### **Article 53 [Taxes]**

- (1) Citizens are under the obligation to contribute to public expenditure by taxes and duties.
- (2) The legal taxation system must ensure a fair distribution of the tax burden.
- (3) Any other dues shall be prohibited, save those determined by law, under exceptional circumstances.

### **Article 54 [Right of Others]**

Romanian citizens, aliens and stateless persons shall exercise their constitutional rights and freedoms in good faith, without any infringement of the rights and liberties of others.

## **Chapter IV Advocate of the People**

### **Article 55 [Ombudsman]**

- (1) The Advocate of the People shall be appointed by the Senate, for a term of office of four years, to defend the citizens' rights and freedoms. The organization and functioning of the Advocate of the People institution shall be regulated by an organic law.
- (2) The Advocate of the People may not perform any other public or private office.

### **Article 56 [Powers]**

- (1) The Advocate of the People exercises his powers *ex officio* or upon request by persons aggrieved in their rights and freedoms, within limits established by law.
- (2) It is binding upon the public authorities to give the Advocate of the People the necessary support in the exercise of his powers.

### **Article 57 [Report]**

The Advocate of the People shall report before the two Parliament Chambers, annually or on request thereof. The reports may contain recommendations on legislation or measures of any other nature for the defence of the citizens' rights and freedoms.

## **Title III Public Authorities**

### **Chapter I Parliament**

#### **Section 1 Organization and Functioning**

### **Article 58 [Power, Two Chambers]**

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

Country.

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

### **Article 59 [Election, National Minorities]**

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

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

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

### **Article 60 [Term, First Session, Transition of Parliaments]**

(1) The Chamber of Deputies and the Senate are elected for a term of office of four years, which may be prolonged by an organic law, in a case of war or catastrophe.

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

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

(4) The Chambers' term of office shall be prolonged until the new Parliament legally meets. During this period, the Constitution may not undergo any revision, nor may any organic law be passed, amended, or abrogated.

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

### **Article 61 [Standing Orders, Organization]**

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

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

(3) Deputies and Senators may be organized into Parliamentary Groups according to the Standing Orders of each Chamber.

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

(5) The Standing Bureaus and Parliamentary Committees shall be made up so as to reflect the political spectrum of each Chamber.

### **Article 62 [Joint Tasks]**

(1) The Chamber of Deputies and the Senate shall meet in separate and joint sessions. The proceedings in a joint session shall be held in accordance with regulations passed by a majority vote of the Deputies and Senators.

(2) The Chambers shall meet in joint sessions in order:

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

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

c) to declare general or partial mobilization;

d) to declare a state of war;

e) to suspend or terminate armed hostilities;

f) to examine reports of the Supreme Council of National Defence and of the Court of Audit;

- g) to appoint, on proposal of the President of Romania, the director of the Romanian Information Service, and to exercise control over the activity of this Service; and
- h) to fulfil any other prerogatives, which, in accordance with the Constitution or the Standing Orders, shall be exercised in a joint session.

### **Article 63 [Ordinary and Extraordinary Sessions]**

- (1) The Chamber of Deputies and the Senate shall meet in two ordinary sessions every year. The first session begins in February and is due to last by the end of June at the latest. The second session begins in September and is due to last by the end of December at the latest.
- (2) The Chamber of Deputies and the Senate may also meet in extraordinary sessions, upon request of the President of Romania, the Standing Bureau of each Chamber, or of at least one third of the number of Deputies or Senators.
- (3) Each Chamber shall be convened by its President.

### **Article 64 [Majority]**

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

### **Article 65 [Publicity]**

- (1) The sessions of both Chambers shall be public.
- (2) The Chambers may decide that certain sessions be secret.

## **Section 2 Status of Deputies and Senators**

### **Article 66 [Free Mandate]**

- (1) In the exercise of their mandate, Deputies and Senators shall be in the service of the people.
- (2) Any imperative mandate shall be null.

### **Article 67 [Beginning and End of Mandate]**

- (1) Deputies and Senators shall enter on the exercise of their office on the same day the Chamber they are a member of has legally met, on condition that their election is validated.
- (2) The capacity as a Deputy or Senator shall cease on the same day the newly elected Chambers have legally met, or in a case of resignation, disenfranchisement, incompatibility, or death.

### **Article 68 [Incompatibilities]**

- (1) No one may be a Deputy and a Senator at one and the same time.
- (2) The capacity as a Deputy or Senator is incompatible with the exercise of any public office in authority, with the exception of Government membership.
- (3) Other incompatibilities shall be established by an organic law.

### **Article 69 [Immunity]**

- (1) No Deputy or Senator shall be detained, arrested, searched, or prosecuted for a criminal or minor offence without authorization of the Chamber he is a member of, after being given a hearing. The case shall be in the competence of the Supreme Court of Justice.
- (2) In the case of *flagrante delicto*, he may be detained and searched. The Minister of Justice shall promptly inform the President of the respective Chamber about the detention and search. In case the Chamber thus notified finds no grounds

for his detention, it shall immediately order that this detainment be repealed.

#### **Article 70 [Indemnity]**

No Deputy or Senator shall be liable to judicial proceedings for the votes cast, or political opinions expressed in the exercise of his mandate.

#### **Article 71 [Remuneration]**

Deputies and Senators shall receive monthly emoluments. The amount of the emoluments and other rights shall be established by law.

### **Section 3 Legislation and Procedure**

#### **Article 72**

- (1) Parliament passes constitutional, organic, and ordinary laws.
- (2) Constitutional laws shall be pertaining to the revision of the Constitution.
- (3) Organic laws shall regulate:
  - a) the electoral system;
  - b) the organization and functioning of political parties;
  - c) the organization and holding of a referendum;
  - d) the organization of the Government and the Supreme Council of National Defence;
  - e) the states of siege and emergency;
  - f) criminal offenses, penalties, and the execution thereof;
  - g) granting of amnesty or collective pardon;
  - h) the organization and functioning of the Superior Council of the Magistracy, the courts, the Public Ministry and the Court of Audit;
  - i) the status of civil servants;
  - j) contentious business falling within the competence of administrative courts;
  - k) the general legal status of property and inheritance;
  - l) general rules covering labor relations, trade unions, and social security;
  - m) the general organization of education;
  - n) general statutory rules of religious cults;
  - o) the organization of local administration, of the territory, as well as general rules on local autonomy;
  - p) ways and means to establish the exclusive economic zone; and
  - r) other fields, for which the Constitution provides the enactment of organic laws.

#### **Article 73 [Initiative, Public Initiative]**

- (1) The legislative initiative lies with the Government, Deputies, Senators, as well as no fewer than 250,000 citizens having the right to vote. The citizens exercising the right to legislative initiative must belong to at least one quarter of the country's counties, while in each of these counties or the city of Bucharest at least 10,000 signatures should be registered in the support of this initiative.
- (2) A legislative initiative of the citizens may not touch on matters concerning taxation, international affairs, amnesty, or pardon.
- (3) The Government shall exercise its legislative initiative by introducing bills in one of the Chambers.
- (4) Deputies, Senators, and citizens exercising the right of legislative initiative may present proposals only in the form required for a bill.
- (5) Legislative proposals shall be first submitted for being passed to the Chamber before which they were read.

#### **Article 74 [Majority, Emergency Procedure]**

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

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

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

#### **Article 75 [Rejection by Chamber]**

Bills or legislative proposals passed by one Chamber shall be sent to the other Chamber. If the bill or legislative proposal is rejected in the latter, it shall be sent back, for a new debate, to the Chamber that had passed it. A second rejection is final.

#### **Article 76 [Mediation]**

(1) If one of the Chambers has passed a bill or legislative proposal, in a different wording from that approved by the other Chamber, the Presidents of both Chambers shall initiate a mediation procedure, by a parity Committee.

(2) In case no agreement can be reached in the Committee, or one Chamber has not approved the Mediation Committee report, the texts in conflict shall be submitted for debate to the Chamber of Deputies and the Senate, assembled in a joint session, that shall adopt the final text by a majority vote, as provided under Article [74 \(1\) or \(2\)](#).

#### **Article 77 [Promulgation]**

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

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

(3) In case the President has requested that the law be reconsidered or a review has been asked about its conformity with the Constitution, promulgation shall be made within ten days from receiving the law passed after its reconsideration, or the decision of the Constitutional Court confirming its Constitutionality.

#### **Article 78 [Publication]**

Laws shall be published in the Official Gazette of Romania and come into force on the day of publication or the date provided in its text.

#### **Article 79 [Legislative Council]**

(1) The Legislative Council shall be an advisory expert body of Parliament, that initials draft normative acts for the purpose of a systematic unification and coordination of the whole body of laws. It shall keep the official record of the legislation of Romania.

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

## **Chapter II The President of Romania**

#### **Article 80 [Representation, Mediator of Powers]**

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

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

#### **Article 81 [Election]**

- (1) The President of Romania shall be elected by universal, equal, direct, secret, and free suffrage.
- (2) The candidate who, in the first ballot, obtained a majority of votes of the electors entered on the electoral lists shall be declared elected.
- (3) In the case that no candidate has obtained such majority, a second ballot shall be held between the first two candidates highest in the order of the number of votes cast for them in the first ballot. The candidate having the greatest number of votes shall be declared elected.
- (4) No one may hold the office of President of Romania but for two terms at the most, that can also be consecutive.

#### **Article 82 [Validation, Oath]**

- (1) The election returns for the Presidency of Romania shall be validated by the Constitutional Court.
- (2) The candidate whose election has been validated shall take before the Chamber of Deputies and the Senate, in a joint session, the following oath:  
*"I solemnly swear that I will dedicate all strength and the best of my ability for the spiritual and material welfare of the Romanian people, to abide by the Constitution and laws of the Country, to defend democracy, the fundamental rights and freedoms of my fellow-citizens, Romania's sovereignty, independence, unity, and territorial integrity. So help me God!"*

#### **Article 83 [Term]**

- (1) The term of office of the President of Romania is four years, and he shall exercise his mandate from the day he took the oath.
- (2) The President of Romania shall exercise his office until the new President-elect takes the oath.
- (3) The term of office of the President of Romania may be prolonged, by an organic law, in the event of war or catastrophe.

#### **Article 84 [Incompatibility, Immunity, Indemnity, Impeachment]**

- (1) During his term of office, the President of Romania may not be a member of any political party, nor may he perform any other public or private office.
- (2) The President of Romania shall enjoy immunity. Provisions under Article [70](#) shall apply accordingly.
- (3) The Chamber of Deputies and the Senate may, in a joint session, carry a resolution upon the impeachment of the President of Romania for high treason, by the vote of at least two thirds of the number of Deputies and Senators. The case shall be within the competence of the Supreme Court of Justice, according to the provisions of the law. The President shall be removed from office *de jure* on the date the Court sentence remains final.

#### **Article 85 [Prime Minister]**

- (1) The President of Romania shall designate a candidate to the office of Prime Minister and appoint the Government on the vote of confidence of Parliament.
- (2) In the event of government modification or vacancy of office, the President shall dismiss and appoint, on the proposal of the Prime Minister, some members of the Government.

#### **Article 86 [President-Government Consultation]**

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

#### **Article 87 [President in Government]**

- (1) The President of Romania may participate in the meetings of the Government debating upon matters of national interest with regard to foreign policy, the defence of the country, ensurance of public order, and on request by the Prime

Minister, in other instances as well.

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

### **Article 88 [Addressing Parliament]**

The President of Romania shall address Parliament by messages on the main political issues of the Nation.

### **Article 89 [Dissolution of Government]**

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

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

(3) Parliament cannot be dissolved during the last six months of the term of office of the President of Romania, nor can it be dissolved during a state of siege or emergency.

### **Article 90 [Initiating Referendum]**

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

### **Article 91 [Treaties, Diplomacy]**

(1) The President shall, in the name of Romania, conclude international treaties negotiated by the Government, and then submit them to Parliament for ratification within 60 days.

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

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

### **Article 92 [Commander-in-Chief]**

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

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

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

### **Article 93 [Siege, Emergency]**

(1) The President of Romania shall, according to the law, institute the state of siege or emergency in the whole or part of the country, and shall request Parliament approval of the measure thus adopted within five days from adoption.

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

### **Article 94 [Presidential Powers]**

The President of Romania shall also have the following powers:

a) to confer decorations and titles of honor;

b) to make promotions to the ranks of marshal, general, and admiral;

c) to make appointments to public offices, under the terms provided by law; and

d) to grant individual pardon.

## **Article 95 [Impeachment]**

(1) In case of having committed grave acts infringing upon Constitutional provisions, the President of Romania may be suspended from office by the Chamber of Deputies and the Senate, in joint session, by a majority vote of Deputies and Senators, and after consultation with the Constitutional Court. The President may explain before Parliament with regard to imputations brought against him.

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

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

## **Article 96 [Vacancy]**

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

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

## **Article 97 [Preliminary Presidency]**

(1) In case of vacancy in the office of President, or if the President be suspended from office or be temporarily incapable to exercise his powers, the interim shall devolve in this order, on the President of the Senate or the President of the Chamber of Deputies.

(2) Powers provided for under Articles 88-90 shall not be exercised by the acting President during the interim office.

## **Article 98 [Violation of Constitution]**

If the person acting as President of Romania has committed grave acts infringing upon Constitutional provisions, Articles 95 and 97 shall be applied accordingly.

## **Article 99**

(1) In the exercise of his powers, the President of Romania shall issue decrees which shall be published in the Official Gazette of Romania. Absence of publicity entails the non-existence of a decree.

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

## **Article 100 [Remuneration]**

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

## **Chapter III The Government**

### **Article 101 [Government]**

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

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

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

### **Article 102 [Designation of Prime Minister]**



- (1) The President of Romania shall designate a candidate to the office of Prime Minister, as a result of his consultation with the party which has obtained absolute majority in Parliament, or - unless such majority exists - with the parties represented in Parliament.
- (2) The candidate to the office of Prime Minister shall, within ten days after his designation, seek the vote of confidence of Parliament upon the program and complete list of the Government.
- (3) The program and list of the Government shall be debated upon by the Chamber of Deputies and Senate in joint session. Parliament shall grant confidence to the Government by a majority vote of Deputies and Senators.

#### **Article 103 [Oath]**

- (1) The Prime Minister, Ministers, and other members of the Government shall individually take an oath before the President of Romania, as provided for under Article [82](#).
- (2) The Government as a whole and each of its members shall exercise the mandate from the date of taking the oath.

#### **Article 104 [Incompatibilities]**

- (1) Membership of the Government shall be incompatible with the exercise of any other public office in authority, except the office of a Deputy or Senator. Likewise, it shall be incompatible with the exercise of any office of professional representation paid by a trading organization.
- (2) Other incompatibilities shall be established by an organic law.

#### **Article 105 [End of Membership]**

Membership of the Government shall cease upon resignation, dismissal, disenfranchisement, incompatibility, death, or in any other cases provided by law.

#### **Article 106 [Powers, Interim Government]**

- (1) The Prime Minister shall direct Government actions and co-ordinate activities of its members, under observance of the powers and duties incumbent on them. Likewise, he shall submit to the Chamber of Deputies or the Senate reports and statements on Government policy, to be debated with priority.
- (2) If the Prime Minister finds himself in one of the situations provided for under Article [105](#), or in case of his inability to exercise his powers, the President of Romania shall designate another member of the Government as interim Prime Minister, to discharge the powers of a Prime Minister until formation of the new Government. The interim during the inability to exercise the powers of the said office shall cease if the Prime Minister resumes his activity in the Government.
- (3) Provisions under Paragraph (2) shall apply accordingly to the other members of the Government, on proposal by the Prime Minister, for a period of 45 days, at the most.

#### **Article 107 [Decisions and Orders]**

- (1) The Government shall adopt Decisions and Orders.
- (2) Decisions shall be issued to organize the execution of laws.
- (3) Orders shall be issued under a special enabling law, within the limits and in conformity with the provisions thereof.
- (4) Decisions and Orders adopted by the Government shall be signed by the Prime Minister, countersigned by the Ministers who are bound to act to carry them into execution, and shall be published in the Official Gazette of Romania. Non-publishing entails non-existence of a decision or order. Decisions of a military character shall be conveyed only to the institutions concerned.

#### **Article 108 [Responsibility, Impeachment]**

- (1) The Government is politically responsible for its entire

activity only before Parliament. Each member of the Government is politically and jointly answerable with the others for the activity and acts of the Government.

(2) It is only the Chamber of Deputies, the Senate, and the President of Romania that shall have the right to demand criminal prosecutions be taken against members of the Government for acts committed in the exercise of their office. If such criminal prosecution has been requested, the President of Romania may decree that they be suspended from office. Institution of proceedings against a member of the Government entails suspension from office. The case shall be within the competence of the Supreme Court of Justice.

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

#### **Article 109**

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

(2) The Government shall be dismissed on the date Parliament withdraws confidence granted, or if the Prime Minister finds himself in one of the situations under Article [105](#) or in case of his impossibility to exercise his powers for more than 45 days.

(3) In situations such as under Paragraph (2), provisions of Article [102](#) shall apply accordingly.

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

### **Chapter IV Relations between Parliament and the Government**

#### **Article 110 [Information, Presence]**

(1) The Government and other agencies of Public Administration shall, within the Parliamentary control over their activity, be bound to present any information and documents requested by the Chamber of Deputies, the Senate, or Parliamentary Committees, through their respective Presidents. In case a legislative initiative involves amendment of provisions of the State Budget or the State social security budget, the request for information shall be compulsory.

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

#### **Article 111 [Interpellations]**

(1) The Government and each of its members shall be bound to answer to questions or interpellations raised by Deputies or Senators.

(2) The Chamber of Deputies or the Senate may carry a motion expressing the stand as to the issue making the point of interpellation.

#### **Article 112 [Motion of Censure]**

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

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

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

(4) If the motion of censure fails to be passed, the Deputies and the Senators who signed it may not submit another one during the same session, except for the case that the Government assumes responsibility in conformity with Article [113](#).

#### **Article 113 [Issue of Confidence]**

- (1) The Government may assume responsibility before the Chamber of Deputies and the Senate, in joint session, upon a program, a general policy statement, or a bill.
- (2) The Government shall be dismissed if a motion of censure, tabled within three days from the date of presenting the program, the general policy statement, or the bill, has been passed in accordance with provisions under Article [112](#).
- (3) If the Government has not been dismissed in accordance with Paragraph (2), the bill presented shall be considered as passed, and the program or the general policy statement become binding on the Government.
- (4) In case the President of Romania demands reconsideration of the law passed according to Paragraph (3), the debate thereon shall be carried in the joint session of both Chambers.

#### **Article 114 [Enabling Law]**

- (1) Parliament may pass a special law enabling the Government to issue orders in fields outside the scope of organic laws.
- (2) The enabling law shall compulsorily establish the field and the date up to which orders can be issued.
- (3) If the enabling law so requests, orders shall be submitted to Parliament for approval, according to the legislative procedure, until expiration of the enabling term. Non-compliance with the term entails discontinuation of effectiveness of the order.
- (4) In exceptional cases, the Government may adopt emergency orders, which shall come into force only after their submission to Parliament for approval. If Parliament does not sit in a session, it shall obligatorily be convened.
- (5) Orders shall be approved or rejected by a law which must also contain the orders that ceased to be effective in accordance with Paragraph (3).

### **Chapter V Public Administration**

#### **Section 1 Specialized Central Public Administration**

##### **Article 115 [Hierarchical Administration]**

- (1) Ministries shall be organized only in subordination to the Government.
- (2) Other specialized agencies may be organized in subordination to the Government or Ministries, or as autonomous administrative authorities.

##### **Article 116 [Rule of Law]**

- (1) Ministries shall be set up, organized, and function in accordance with the law.
- (2) The Government and Ministries may, on the authorization of the Court of Audit, set up specialized agencies in their subordination, but only if the law acknowledges the competence thereof.
- (3) Autonomous administrative authorities may be established by an organic law.

##### **Article 117 [Armed Forces, Police]**

- (1) The Armed Forces shall be exclusively subordinated to the will of the people, to guarantee the sovereignty, independence, and unity of the State, the Country's territorial integrity, and Constitutional democracy.
- (2) The structure of the national defence system, the organization of the Army, the preparation of the population, economy and territory for the defence, as well as the status of the military shall be regulated by an organic law.
- (3) Provisions under Paragraphs (1) and (2) shall apply accordingly to the police and security services of the State, as well as to other components of the Armed Forces.
- (4) The organization of military or para-military activities outside a State authority is prohibited.
- (5) No foreign troops may enter or cross the territory of Romania but on terms established by law.

##### **Article 118 [Supreme Council on National Defence]**

The Supreme Council of National Defence shall organize and co-ordinate in unitary command the activities concerning the country's defence and national security.

## **Section 2 Local Public Administration**

### **Article 119 [Decentralization]**

Public Administration in territorial-administrative units is based on the principle of local autonomy and decentralization of public services.

### **Article 120 [Local Councils, Mayors]**

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

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

(3) Authorities under Paragraph (1) may also be constituted in the territorial-administrative subdivisions of municipalities.

### **Article 121 [County Council]**

(1) The County Council is the Public Administration authority co-ordinating the activity of Commune and Town Councils, to carry out the public services of county interest.

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

### **Article 122 [Prefect]**

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

(2) The Prefect is the representative of the Government at local level and shall direct any decentralized public services of the Ministries and other central agencies in the territorial-administrative unit.

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

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

## **Chapter VI Judicial Authority**

### **Section 1 Courts of Law**

#### **Article 123 [Independence]**

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

(2) Judges shall be independent and subject only to the law.

#### **Article 124 [Judges' Office]**

(1) Judges appointed by the President of Romania shall be irremovable, according to the law. The President and other judges of the Supreme Court of Justice shall be appointed for a term of six years, and may be re-invested in office. Promotion, transfer, and sanctions against Judges may be decided upon only by the Superior Council of the Magistracy, in accordance with the law.

(2) The office of a Judge shall be incompatible with any other public or private office, except that of an academic professorial activity.

## **Article 125 [Courts]**

- (1) Justice shall be administered by the Supreme Court of Justice and other courts established by law.
- (2) The setting up of courts of exception is prohibited.
- (3) Competence and procedure of courts shall be regulated by law.

## **Article 126 [Publicity]**

Proceedings shall be public, except for the cases provided by law.

## **Article 127 [Court Language]**

- (1) Procedure shall be conducted in Romanian.
- (2) Citizens belonging to national minorities, as well as persons who cannot understand or speak Romanian, have the right to take cognizance of all acts and files of the case, to speak before the Court, and formulate conclusions, through an interpreter; in criminal trials, this right shall be ensured free of charge.

## **Article 128 [Appeal]**

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

## **Article 129 [Court Police]**

Courts of law shall have police placed at their disposal.

## **Section 2 The Public Ministry**

### **Article 130 [Prosecutors]**

- (1) Within judicial activity, the Public Ministry shall represent general interests of the society and defend legal order, as well as the citizens' rights and freedoms.
- (2) The Public Ministry shall discharge its powers through Public Prosecutors, constituted into public prosecutor's offices, in accordance with the law.

### **Article 131 [Office of Prosecutor]**

- (1) Public Prosecutors shall carry out their activity in accordance with the principle of legality, impartiality, and hierarchical control, under the authority of the Minister of Justice.
- (2) The office of a Prosecutor shall be incompatible with any other public or private office, except that of an academic professorial activity.

## **Section 3 Superior Council of the Magistracy**

### **Article 132 [Term]**

The Superior Council of the Magistracy shall consist of magistrates elected for a term of four years by the Chamber of Deputies and the Senate, in a joint session.

### **Article 133 [Tasks]**

- (1) The Superior Council of the Magistracy shall nominate Judges and Public Prosecutors for appointment by the President of Romania, except those on probation, in accordance with the law. In this case, the proceedings shall be presided over by the Minister of Justice, who shall have no right to vote.
- (2) The Superior Council of the Magistracy shall perform the role of a disciplinary council for Judges, in which case

proceedings shall be presided over by the President of the Supreme Court of Justice.

## **Title IV Economy and Public Finance**

### **Article 134 [Free Market Economy]**

- (1) Romania's economy is a free market economy.
- (2) The State must secure:
  - a) a free trade, protection of loyal competition, provision of a favorable framework in order to stimulate and value every factor of production;
  - b) protection of national interests in economic, financial, and currency activity;
  - c) promotion of national scientific research;
  - d) exploitation of natural resources, in conformity with national interests;
  - e) environmental protection and recovery, as well as preservation of the ecological balance; and
  - f) creation of all necessary conditions so as to increase the quality of life.

### **Article 135 [Protection of Property, Public Property]**

- (1) The State shall protect property.
- (2) Property is public or private.
- (3) Public property belongs to the State or its territorial-administrative units.
- (4) Subsoil riches of any nature, ways of communication, the air space, waters with hydropower availabilities, and those which can be used for the public interest, beaches, territorial waters, natural resources of the economic zone, and the continental shelf, as well as other assets established by law, are exclusively public property.
- (5) Public-owned assets are inalienable. They may be taken over for administration by self-managed public companies or public institutions, or may be leased or granted in concession, in accordance with the law.
- (6) Private property shall be, in accordance with the law, inviolable.

### **Article 136 [Finances, Currency]**

- (1) Formation, administration, use, and control of the financial resources of the State, of territorial-administrative units, and public institutions shall be regulated by law.
- (2) The national currency is the leu, with its subdivision, the Ban.

### **Article 137 [Budgets]**

- (1) The National Public Budget shall comprise the State budget, the State social security budget, and the local budgets of communes, towns, and counties.
- (2) The Government shall annually draft the State budget and the State social security budget, which it shall submit separately to Parliament for approval.
- (3) If the law on the State budget and the law on the State social security budget fail to be passed by at least three days before expiration of the budgetary year, the previous year's State budget and State social security budget shall continue to be applied until adoption of the new budgets.
- (4) Local budgets shall be drafted, approved, and executed in accordance with the law.
- (5) No budget expenditure shall be approved unless its financing source has been established.

### **Article 138 [Taxation by Law]**

- (1) Taxes, duties and any other revenue of the State budget and State social security budget shall be established only by law.
- (2) Local taxes and duties shall be established by the local or

county Councils, within limits and under the terms of the law.

### **Article 139 [Court of Audit]**

- (1) The Court of Audit shall exercise control on the formation, administration, and use of the financial resources of the State and the public sector. The Court shall also have jurisdictional powers, as provided by law.
- (2) The Court of Audit shall annually report to Parliament on the accounts of the National Public Budget administration in the expired budgetary year, including cases of mismanagement.
- (3) On request by the Chamber of Deputies or the Senate, the Court of Audit shall check the management of public resources and report on its findings.
- (4) Members of the Court of Audit, appointed by Parliament, shall be independent and irremovable, according to the law. They shall be subject to the incompatibilities the law provides for Judges.

## **Title V Constitutional Court**

### **Article 140 [Limited Term]**

- (1) The Constitutional Court consists of nine Judges, appointed for a term of office of nine years, that cannot be prolonged or renewed.
- (2) Three Judges shall be appointed by the Chamber of Deputies, three by the Senate, and three by the President of Romania.
- (3) Judges of the Constitutional Court shall elect, by secret vote, the President thereof, for a term of three years.
- (4) The Constitutional Court shall be renewed by one third every three years, in accordance with the provisions of the Court's organic law.

### **Article 141 [Eligibility]**

Judges of the Constitutional Court must have graduated in law, and have high professional competence and at least eighteen years experience in juristical or academic activities in law.

### **Article 142 [Incompatibilities]**

The office of a Judge at Constitutional Court is incompatible with any other public or private office, except that of academic professorial activity.

### **Article 143 [Independence]**

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

### **Article 144 [Powers]**

The Constitutional Court shall have the following powers: a) to adjudicate on the constitutionality of laws, before promulgation, upon notification by the President of Romania, by the President of either Chamber of Parliament, by the Government, the Supreme Court of Justice, by a number of at least 50 Deputies or at least 25 Senators, as well as, *ex officio*, on initiatives to revise the Constitution; b) to adjudicate on the constitutionality of the Standing Orders of Parliament, upon notification by the President of either Chamber, by a parliamentary group or a number of at least 50 Deputies or at least 25 Senators; c) to decide on exceptions brought to the Courts of law as to the unconstitutionality of laws and orders; d) to guard the observance of the procedure for the election of the President of Romania and to confirm the ballot returns; e) to ascertain the circumstances which justify the interim in the exercise of office of President of Romania, and to report its findings to Parliament and the Government; f) to give advisory opinion on the proposal to suspend the President of Romania from office; g) to guard the observance of the procedure for the organization and holding of a referendum, and to confirm its returns;

- h) to check on compliance with the conditions for the exercise of the legislative initiative by citizens; and
- j) to decide on objections of unconstitutionality of a political party.

### **Article 145 [Procedure in Cases of Unconstitutionality]**

- (1) In cases of unconstitutionality, in accordance with Article [144 \(a\) and \(b\)](#), the law or orders shall be returned for reconsideration. If the law is passed again in the same formulation by a majority of at least two thirds of the members of each Chamber, the objection of unconstitutionality shall be removed, and promulgation thereof shall be binding.
- (2) Decisions of the Constitutional Court shall be binding and effective only for the future. They shall be published in the Official Gazette of Romania.

## **Title VI Revision of the Constitution**

### **Article 146 [Initiative]**

- (1) Revision of the Constitution may be initiated by the President of Romania on proposal of the Government, by at least one quarter of the number of Deputies or Senators, as well as by at least 500,000 citizens with the right to vote.
- (2) The citizens who initiate the revision of the Constitution must belong to at least half the number of the counties in the country, and in each of the respective counties or in the City of Bucharest, at least 20,000 signatures must be recorded in support of this initiative.

### **Article 147 [Majority, Referendum]**

- (1) The draft or proposed revision must be adopted by the Chamber of Deputies and the Senate by a majority of at least two thirds of the members of each Chamber.
- (2) If no agreement can be reached by a mediation procedure, the Chamber of Deputies and the Senate shall decide thereupon, in joint session, by the vote of at least three quarters of the number of Deputies and Senators.
- (3) The revision shall be final after approval by a referendum held within 30 days from the date of passing the draft or proposed revision.

### **Article 148 [Limits to Amendment]**

- (1) The provisions of this Constitution with regard to the national, independent, unitary, and indivisible character of the Romanian State, the Republican form of government, territorial integrity, independence of the judiciary, political pluralism, and official language shall not be subject to revision.
- (2) Likewise, no revision shall be made if it results in the suppression of the citizens fundamental rights and freedoms, or the safeguards thereof.
- (3) The Constitution shall not be revised during a state of siege or emergency or at wartime

## **Title VII Final and Transitory Provisions**

### **Article 149 [Old Constitution]**

This Constitution shall come into force on the date of adoption by referendum. On the same day, the Constitution of 21 Aug 1965 is and remains fully abrogated.

### **Article 150 [Old Law]**

- (1) The laws and all other normative acts shall remain in force in so far they are not contradicting the provisions of this Constitution.
- (2) The Legislative Council shall, within 12 months from the effective date of the law on its organization, examine the



compliance of legislation with this Constitution and shall accordingly advance proposals to Parliament or to the Government, as the case may be.

#### **Article 151 [Institutions]**

(1) The Institutions of the Republic, in existence at the effective date of this Constitution, shall remain in operation until the setting up of the new institutions.

(2) The new Supreme Court of Justice shall, in accordance with the law, be appointed by the Chamber of Deputies and the Senate, in a joint session, on proposal by the President of Romania, within six months from the effective date of this Constitution.

#### **Article 152 [Courts]**

(1) Within 6 months from the effective date of this Constitution, the Constitutional Court and the Court of Audit shall be set up.

(2) Judges of the first Constitutional Court shall be appointed for a term of three, six, and nine years respectively. The President of Romania, the Chamber of Deputies, and the Senate shall designate one Judge each for every term.



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