

**CONSTITUTION
OF ROMANIA
1991**

**THE CONSTITUTION OF ROMANIA
WAS ADOPTED IN THE CONSTITUENT
ASSEMBLY SESSION
OF NOVEMBER 21, 1991
AND ENTERED INTO FORCE PURSUANT
TO ITS APPROVAL BY THE NATIONAL
REFERENDUM OF DECEMBER 8, 1991**

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CONSTITUTION OF ROMANIA

TITLE I General principles

Article 1

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

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 on the territory of the Romanian State.

Article 4

Unity of the people and equality among citizens

(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 ori-

gin, language, religion, sex, opinion, political adherence, property or social origin.

Article 5

Citizenship

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

(2) Romanian citizenship cannot be withdrawn if acquired by birth.

Article 6

Right to identity

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

(2) The protection measures taken by the Romanian State for the preservation, development and expression of identity of 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 living 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

Pluralism and political parties

(1) Pluralism in the Romanian society is a condition and guarantee of Constitutional democracy.

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

Article 9

Trade unions

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

Article 10

International relations

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

Article 11

International law and national law

(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

National symbols

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

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

(3) The national anthem of Romania is “Awake, Romanians”.

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

Article 13

Official language

In Romania, the official language is Romanian.

Article 14

Capital

The Capital of Romania is the Municipality of Bucharest.

TITLE II

Fundamental rights, freedoms and duties

CHAPTER I

Common provisions

Article 15

Universality

(1) All citizens enjoy the rights and freedoms 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 favourable criminal law.

Article 16

Equality of rights

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

(2) No one is above the law.

(3) Access to 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

**Romanian
citizens while
abroad**

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

Article 18

**Aliens and
stateless
persons**

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

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

Article 19

**Extradition
and expulsion**

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

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

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

Article 20

International human rights treaties

(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 any 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

Free access to justice

(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 shall not be restricted by any law.

CHAPTER II
Fundamental rights and freedoms

Article 22

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

(1) The right to life, as well as the right to physical and mental integrity

of person are guaranteed.

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

(3) The death penalty is prohibited.

Article 23

**Individual
freedom**

(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 shall 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 the judge is bound to make a pronouncement by a motivated decision. The period

of arrest shall 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 have ceased 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 till found guilty by a final decision of the court.

(9) Penalties shall be established or applied only in accordance with and on the grounds of the law.

Article 24

Right to defence

(1) The right to defence is guaranteed.

(2) All 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

Freedom of movement

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

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

Article 26

Personal and family 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

Inviolability of domicile

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

(2) Derogation from provisions under paragraph (1) is permissible by law, in the following circumstances:

a) for carrying into execution a warrant for 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;

d) to prevent the spread of an epidemic.

(3) Searches shall 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
correspondence**

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

Article 29

**Freedom
of conscience**

(1) Freedom of thought, opinion, and religious beliefs shall not be restricted in any form whatsoever.

No one shall 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 autonomous from the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.

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

Article 30

Freedom of expression

(1) Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or

other means of communication in public are inviolable.

(2) Any censorship shall be prohibited.

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

(4) No publication shall be suppressed.

(5) The law may impose upon the mass media the obligation to make public their financing source.

(6) Freedom of expression shall not be prejudicial to the dignity, honour, privacy of person, and to the right to one's own image.

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

shall be established by law.

Article 31

Right to information

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

Right to 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 refresher courses.

(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

Right to protection of 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

Right to vote

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

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

Article 35

Right to be elected

(1) Eligibility is granted to all citizens having the right to vote, who meet the requirements in Article 16

paragraph (3), unless they are forbidden to join a political party, in accordance with Article 37 paragraph (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

**Freedom
of 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

**Right
of association**

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

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

independence of Romania shall be unconstitutional.

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

(4) Secret associations are prohibited.

Article 38

Labour and social protection of labour

(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 labour. The protection 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 holiday, 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 labour bargaining and the binding force of collective agreements shall be guaranteed.

Article 39

Prohibition of forced labour

(1) Forced labour is prohibited.

(2) Forced labour does not include:

a) any service of a military character or activities performed in lieu thereof by those who, according to the law, are exempted from compulsory military service for religious reasons;

b) the work of a sentenced person, carried out under normal conditions, during detention or conditional release;

c) any services required to deal with a calamity or any other danger, as well as those which are part of normal civil obligations as established by law.

Article 40

Right to 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

Protection of private property

(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 shall not acquire the right of property on land.

(3) No one shall 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 paragraphs (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 neighbourliness, as well as of other duties incumbent upon the owner, in accordance with the law or custom.

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

(8) Any goods intended 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
right**

The right of inheritance is guaranteed.

Article 43

**Living
standard**

(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 assistance, 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

Protection of children and young people

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

(2) The State shall grant state allowances for children and benefits for the care of sick or disabled children. Other forms of social pro-

tection for children and young people shall be established by law.

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

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

(5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country.

Article 46

Protection of the disabled persons

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

Right of 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 the terms and under the conditions established by law.

Article 48

Right of a person aggrieved by a public authority

(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

Restriction on the exercise of certain rights or freedoms

(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; 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

Faithfulness towards the country

(1) Faithfulness towards the country is sacred.

(2) Citizens holding public offices, as well as the military are liable for the loyal fulfilment of the obligations they are bound to, and

shall, for this purpose, take the oath as requested by law.

Article 51

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

Article 52

Defence of the country (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

Financial contributions (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.

**Exercise
of rights
and freedoms**

Article 54

Romanian citizens, foreigners 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**

**Appointment
and role**

Article 55

(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 shall not perform any other public or private office.

**Exercise
of powers**

Article 56

(1) The Advocate of the People shall exercise his powers *ex officio* or at the request of persons aggrieved in their rights and freedoms, within the 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
before
Parliament**

The Advocate of the People shall report before the two Parliament Chambers, annually or at the 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

**Role and
structure**

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

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

Article 59

Election of the Chambers

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

(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 case of war or catastrophe.

(2) Elections to the Chamber of Deputies and the Senate shall be

held within three months at the most 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 shall not undergo any revision, nor shall 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 in the session of the new Parliament.

Article 61

Organizational structure

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

(2) Each Chamber shall elect its Standing Bureau. The President of the Chamber of Deputies and the President of the Senate shall be

elected for the 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 sittings

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

(2) The Chambers shall meet in joint sitting 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 the proposal of the President of Romania, the director of the Romanian Intelligence Service, and to exercise control over the activity of this service;
- h) to fulfil any other prerogatives, which – in accordance with the Constitution or the Standing Orders – shall be exercised in a joint sitting.

Article 63

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

**Acts
of Parliament
and legal
quorum**

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

Article 65

**Publicity
of sessions**

(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

**Representative
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

Term of office of Deputies and Senators

(1) Deputies and Senators shall enter in the exercise of their office on the same day the Chamber they are members 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 shall legally meet, or in 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

Parliamentary 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 a Deputy or Senator being caught in the act, 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 his detainment be repealed.

Article 70

Freedom of opinions

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

Emoluments and other rights

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

Section 3
Legislation

Article 72

**Classes
of laws**

(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 offences, 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 labour 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;

r) other fields, for which the Constitution provides the enactment of organic laws.

Article 73

Legislative 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 Municipality

of Bucharest at least 10,000 signatures should be registered in 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 bills.

(5) Legislative proposals shall be first submitted for being passed to the Chamber before which they were read.

Article 74

Passing of bills and resolutions

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

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

(3) At the request of the Government or on its own initiative, Parliament may pass bills or leg-

islative proposals under an emergency procedure, established in accordance with the Standing Orders of each Chamber.

Article 75

Sending of bills and legislative proposals from one Chamber to the other

Bills or legislative proposals passed by one Chamber shall be sent to the other Chamber of Parliament. 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 has been 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 sitting, that shall adopt the final text by a majority vote, as

provided under Article 74, paragraph (1) or (2).

Article 77

Promulgation of laws

(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 for as to 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

Coming into force of laws

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

Article 79

Legislative Council

(1) The Legislative Council shall be an advisory expert body of Parliament, that initially draft normative acts for the purpose of a systematic unification and co-ordination 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

Role of the President

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 of the President

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

(2) The candidate who, in the first ballot, obtained a majority of votes of the electors entered on the electoral lists shall be declared elected.

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

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

Article 82

Validation of mandate and oath-taking

(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 sitting, the following oath:

“I solemnly swear that I will dedicate all my 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 of office

(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

Incompatibilities and immunities

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

(2) The President of Romania shall enjoy immunity. Provisions

under Article 70 shall apply accordingly.

(3) The Chamber of Deputies and the Senate may, in a joint sitting, 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

Appointment of the Government

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

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

Article 86

Consultation with the Government

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

Article 87

Participation in meetings of the Government

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

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

Article 88

Messages

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

Article 89

Dissolution of Parliament

(1) After consultation with the presidents of both Chambers and the leaders of the Parliamentary groups, the President of Romania may dissolve Parliament, if no vote

up, closing down or change in rank of diplomatic missions.

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

Article 92

Powers in matters of defence

(1) The President of Romania shall be Commander-in-Chief of the Armed Forces and 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

Emergency

(1) The President of Romania

measures

shall, according to the law, institute the state of siege or emergency in the whole or part of the country, and shall request Parliament the approval of the measures thus adopted, within five days from adoption thereof.

(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

Other powers

The President of Romania shall also have the following powers:

a) to confer decorations and titles of honour;

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

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

d) to grant individual pardon.

Article 95

Suspension from office

(1) In case of having committed 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 sitting, 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 of office

(1) Vacancy of the office of President of Romania shall be due upon his resignation, removal from office, permanent impossibility 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

Interim of office

(1) In case of vacancy in the office of President, or if the President is suspended from office or is 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 under Articles 88-90 shall not be exercised by the Acting President during the interim of the presidential office.

Article 98

Liability of the Acting President

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

Acts of the President

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

Article 100

**Emolument
and other
rights**

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

CHAPTER III

The Government

Article 101

**Role and
structure**

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

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

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

Article 102

Investiture

(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 programme and complete list of the Government.

(3) The programme and list of the Government shall be debated upon by the Chamber of Deputies and Senate, in joint sitting. Parliament shall grant confidence to the Government by a majority vote of Deputies and Senators.

Article 103

Oath of allegiance

(1) The Prime Minister, the Ministers and other members of the Government shall individually take an

oath before the President of Romania, as provided under Article 82.

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

Article 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

Cessation of Government membership

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

Article 106

Prime Minister

(1) The Prime Minister shall direct Government actions and coordinate 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 under Article 105, or in case of his impossibility 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 impossibility to exercise the powers of the said office ceases 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

Acts of the Government

(1) The Government shall adopt Decisions and Ordinances.

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

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

(4) Decisions and ordinances adopted by the Government shall be signed by the Prime Minister, countersigned by the Ministers who are bound to carry them into execution, and shall be published in the Official Gazette of Romania. Non-publishing entails non-existence of a decision or ordinance. Decisions of a military character shall be conveyed only to the institutions concerned.

Article 108

**Responsibility
of members
of the
Government**

(1) The Government is politically responsible for its entire activity only before Parliament. Each member

of the Government is politically and jointly liable with the 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 legal proceedings to be taken against members of the Government for acts

committed in the exercise of their office. If such legal proceedings have been requested, the President of Romania may decree that they be suspended from office. Institution of proceedings against a member of the Government entails his 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

End of the term of office

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

(2) The Government shall be dismissed on the date the Parliament withdraws the confidence granted, 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) the 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 of Parliament

(1) The Government and the other bodies of public administration shall be obliged, within the parliamentary control over their activity, to present the information and documents requested by the Chamber of Deputies, the Senate, or parliamentary committees, through their respective presidents. In case a legislative initiative involves the amendment of the provisions of the State budget, or of the State social security budget, the request for information shall be compulsory.

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

Article 111

Questions and interpellations

(1) The Government and each of its members are obliged to answer the 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 sitting, 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 sitting 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

**Assumption
of responsibility
by the
Government**

(1) The Government may assume responsibility before the Chamber of Deputies and the Senate, in joint sitting, upon a programme, 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 programme, the general policy statement, or the bill, has been passed in accordance with the provisions under Article 112.

(3) If the Government has been dismissed in accordance with paragraph (2), the bill presented shall be considered as passed, and the programme or the general policy statement becomes binding on the Government.

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

Legislative delegation

Article 114

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

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

(3) If the enabling law so requests, ordinances shall be submitted to Parliament for approval, according to the legislative procedure, until expiration of the enabling term. Non-compliance with the term entails discontinuation of the effects of the ordinance.

(4) In exceptional cases, the Government may adopt expeditious ordinances, which shall come into force only after their submission to Parliament for approval. If Parliament does not sit in session, it shall obligatorily be convened.

(5) Ordinances shall be approved or rejected by a law which must also contain the ordinances that ceased to be effective in accordance with paragraph (3).

CHAPTER V
Public administration

Section 1

Specialized central public administration

Article 115

Structure

(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

Establishment

(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

The Armed Forces

(1) The Army 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 paramilitary 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 of National

The Supreme Council of National Defence shall unitarily organize and co-ordinate the activities

Defence concerning the country's defence and national security.

Section 2

Local public administration

Article 119

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

Article 120

Communal and town authorities

(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 set up in the territorial-administrative subdivisions of municipalities.

Article 121

County Council

(1) The County Council is the public administration authority coordinating the activity of communal and town councils, with a view to carrying out the public services of county interest.

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

Article 122

The Prefect

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

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

(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

Administration of justice

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

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

Article 124

Status of Judges

(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 reinvested 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 of law

(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 of debates

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

Article 127

**Right
to have an
interpreter**

(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

**Use
of 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

**Police
in the courts**

Courts of law shall have police placed at their disposal.

Section 2
The Public Ministry

Article 130

**Role of Public
Ministry**

(1) Within the judicial activity, the Public Ministry shall represent the 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

**Status
of Public
Prosecutors**

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

(2) The office of Public Prosecutor is incompatible with any other public or private office, except that of academic professorial activity.

Section 3
Superior Council of the Magistracy

Article 132

Composition

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 sitting.

Article 133

Powers

(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

Economy

(1) Romania's economy is a free market economy.

(2) The State must secure:

a) a free trade, protection of fair competition, provision of a favourable framework in order to stimulate and reevaluate 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;

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

Article 135

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 shall be exclusively public property.

(5) Public-owned assets shall be 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

Financial

(1) Formation, administration,

system

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

**National
public budget**

(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

Taxes and duties

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

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

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) At the request of 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

Structure

(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 of its Judges every three years, in accordance with the provisions of the Court's organic law.

Article 141

Qualification for appointment

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

Article 142

Incompatibilities

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

Article 143

Independence and irremovability

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 ordinances;

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 exer-

cise 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 from office the President of Romania ;

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;

i) to decide on the objections of unconstitutionality of a political party.

Article 145

Decisions

of the Constitutional Court

(1) In cases of unconstitutionality, in accordance with Article 144 subparagraphs a) and b), the law or standing 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 of revision

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

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

Article 147

Procedure of revision

(1) The draft or proposal of 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 sitting, 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 proposal of revision.

Article 148

Limits of revision

(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 justice, political pluralism and official language shall not be subject to revision.

(2) Likewise, no revision shall be made if it results in the suppres-

sion of the citizens' fundamental rights and freedoms, or of 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

**Coming
into force**

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

Article 150

**Temporal
conflict of laws**

(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 examine, within 12 months from the date of coming into force of the law on its organization, 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

Current institutions

(1) The institutions of the Republic, existing at the date of coming into force of this Constitution, shall remain in operation until the setting up of the new institutions.

(2) The new Supreme Court of Justice, in accordance with the law, shall be appointed by the Chamber of Deputies and the Senate, in a joint sitting, on the proposal of the President of Romania, within 6 months from the date of coming into force of this Constitution.

Article 152

Future institutions

(1) Within 6 months from the date of coming into force 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 3, 6 and 9 years respectively. The President of Romania, the Chamber of Deputies