

CONSTITUTIONAL EXIGENCIES ON THE APPROVAL OF NORMATIVE ACTS. SPECIAL EMPHASIS ON THE APPROVAL OF THE LEGISLATIVE COUNCIL

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Abstract:

Constitutional literature highlights the fact that legality is one of the major values of the rule of law, and the quality of regulation is a dimension of legality.

Starting from these premises, the present paper brings back into discussion the importance of securing approval of normative acts.

The analysis starts from the provisions of articles 9 and 10 of Law no. 24/2000 concerning the rules of legislative technique for the elaboration of normative acts and it continues with an account of some cases brought before the Constitutional Court, through which it has rebuked the lack of approval from the Legislative Council, the Economic and Social Council, the Superior Council of the Magistracy, and the Supreme Council of National Defence.

It emphasizes the role of the Legislative Council as a 'scientific filter' in the drafting of normative acts, it showcases the arguments in support of the theory that the main object of its approval concerns the quality of law and its conformity with the provisions of the Constitution and the international treaties ratified by Romania.

Without putting forward solutions, it submits proposals de lege ferenda, arguing that legislative action is needed for article 2 para. (1) of the Law no. 73/1993 for the establishment, organization and functioning of the Legislative Council, as well as for article 9 para. (2) of Law no. 24/2000.

Keywords: *normative act, approval, legislative technique, Legislative Council, Constitutional Court.*

Introductory considerations

In order to regulate a particular segment of social life, the competent public authority adopts normative acts containing legal rules which will - in turn - constitute the structure of the normative act. The arrangement of the legal rules and the relationships between them give the public authorities' regulatory decision its own architecture.

According to the doctrine, the normative act is the source of law - created by organs of public authority, vested with normative powers, which contains general-obligatory rules, the application of which can also be achieved by the coercive force of the State [1].

The categories of normative acts that can be found in the Romanian system are represented by: a) the Romanian Constitution; b) the law - as a legal act of the Parliament;

c) normative acts of the Government (ordinances, emergency ordinances, decisions); d) decrees of the President of Romania; e) normative acts issued by the central public administration; f) normative acts issued by local public administration bodies; g) EU legislation; h) international treaties ratified by the Parliament.

The rules of legislative technique for the drafting of normative acts are regulated by Law no.24/2000, and compliance with them constitutes a genuine criterion of constitutionality in terms of the application of Article 1 para. (5) of the Constitution.

Whether constitutional or legal in origin, the work of approving legislative acts is of particular importance, contributing overwhelmingly to their quality.

Etymologically, the noun *aviz* (opinion) comes from French (*avis*) and -according to the DEX (Romanian Explicative Dictionary)- has a double meaning: 1) "written (public) notice of an official nature"; 2) "opinion, competent assessment issued by someone (from outside) on a matter under debate; resolution of a competent authority".

In administrative doctrine [2], opinions are defined as "opinions which a body of public administration asks another subject of law, in one or more matters, to inform itself and make an informed decision." Moreover, opinions are, most of the time, opinions of specialists who provide specific clarifications that help the competent authority to make the best decision. [3]

In the constitutional doctrine [4], it has been suggestively stated that the opinion is not a mere "paper" among many others circulating in the procedure of adopting a normative act, but an act issued by an institution/authority with competences/specialization in the respective field, and it supports the thorough substantiation of normative acts.

As a matter of principle, disregarding the rules governing the approval of the law - as a legal act of the Parliament - and of the acts with the power of law of the Government, entails the sanction of their unconstitutionality, while ignoring the requirements concerning the approval of administrative normative acts entails the sanction of nullity of the act.

In this study we will focus our attention on the constitutional requirements concerning the approval of the law - as a legal act of the Parliament, and of the Government's acts with power of law.

Compliance with the relevant provisions concerning the scope of the regulatory acts subject to the opinion and the public authorities with competence in the opinion procedure

Constitution of Romania from 1991, revised in 2003:

Art. 79 – ” (1) The Legislative Council is a specialized consultative organ of Parliament which advises on draft normative acts with a view to the systematization, unification and coordination of the entire legislation. It keeps the official records of the legislation of Romania. (2) The establishment, organization, and operation of the Legislative Council is regulated by organic law”.

Re-establishing the Legislative Council [5] – as pointed out in the literature [6], was imperatively necessary after the 1990s, "at a time when our young rule of law had to carry out a total reform of the law, to build practically a new body of legislation."

On the basis of the constitutional text, the Parliament adopted *Law No 73/1993 on the establishment, organisation and functioning of the Legislative Council*. [7]

The Legislative Council began its work on April 1st, 1996, following the approval of its Rules of Organisation and Functioning, approved by Decision No. 1 of the Permanent Bureaux of the Chamber of Deputies and the Senate of February 26th, 1996.[8].

Art. 2 para.1 of Law no. 73/1993 mentions : "The Legislative Council has the following duties: a) *analyses and approves draft laws, legislative proposals and draft ordinances and decisions of a regulatory nature of the Government, with a view to their submission for legislation or adoption, as appropriate; b) considers and gives its opinion, at the request of the chair of the parliamentary committee responsible, on amendments submitted to the committee for debate and on draft laws or legislative proposals received by the committee after their adoption by one of the chambers of Parliament (...)*".

A first observation is that although the *Legislative Council* also gives its opinion on the Government's draft legislation, *it is - according to the constitutional rule - an advisory body of the Parliament, not of the Government*.

It should also be noted that although from the wording of paragraph 1 of Article 79 of the Constitution, *it could be interpreted that the approval activity of the Legislative*

Council would cover all normative acts, the activity of this authority of constitutional rank is limited to the approval of the normative acts listed in the organic law that regulates its organization and functioning.

According to Professor Valer Dorneanu - former President of the Legislative Council, one of the most important "achievements" of the Legislative Council was Law no. 24/2000 on the rules of legislative technique. The work of the entire apparatus, but especially of the working group coordinated by the renowned specialist in legislative technique Ilarie Mrejeru (...) and with the direct participation of the three section presidents, the law involved a laborious process of study, analysis and drafting [9].

Law no. 24/2000 regarding the norms of legislative technique [10] repealed Decree no. 16/1976 for the approval approval of the general methodology of legislative technique for the preparation and systematisation of draft legislative acts [11].

Among the provisions of the law - relevant to the scope of regulatory acts subject to approval and public authorities with powers in the approval procedure, we mention:

Art.9 : " (1) *In the cases provided for by law, during the drafting phase of the normative regulatory acts, the initiator shall seek the opinion of the authorities concerned in their application, depending on the subject matter of the regulation. (2) Once they have been drawn up and the approval procedure referred to in paragraph 1 has been completed; draft laws, legislative proposals, as well as draft ordinances and decisions of a regulatory nature of the Government shall be subject to the approval of the Legislative Council.*"

Art. 31 alin. (3) : " *The final form of the instruments presenting and explaining the reasons for draft legislation must include references to the opinions of the Legislative Council and, where appropriate, of the Supreme National Defence Council, the Court of Auditors or the Economic and Social Council.*"

Examination of the latter provision reveals that all the authorities mentioned are of constitutional rank. The monitoring and implementation of the requirements imposed by Law 24/2000 ensures the coherence of the entire legal system, and it is the Legislative Council which primarily carries out this activity.(...) [12]

It is also worth mentioning that other public authorities, such as the Superior Council of the Magistracy, are also recognised by special laws as having the power to approve normative acts in their fields of activity.

Constitutional Exigencies on the Approval of Normative Acts

Rules on the substance of regulations, the procedures to be followed, including the request for opinions from the institutions provided for by the law, are not ends in themselves, but means, tools for ensuring the desired quality of the law, a law that serves citizens and does not create legal uncertainty. [13]

The Legislative Council's endorsement of draft laws and legislative proposals, i.e. the Government's legislative acts

The legislative policy of the Romanian State and the harmonisation of national legislation with the Union legislation and international treaties must constitute the basis of the law, a legal act adopted by the Parliament - by virtue of its monopoly of legislating, enshrined in Art. 61 para. (1) second thesis of the Constitution.

In accordance with the principle of bicameralism, the parliamentary legislative procedure shall be conducted - in accordance with the rules of procedure of each Chamber - in separate sittings and, where appropriate, in joint sittings of the Chambers together, in accordance with the joint rules of procedure.

The parliamentary legislative procedure comprises the following stages: a) legislative initiative; b) approval of the draft law or legislative proposal; c) examination and approval of draft laws and legislative proposals in the standing committees; d) inclusion of draft laws and legislative proposals on the agenda of the sitting; e) debate in plenary; f) vote on the law; g) return of the law to the first chamber to which it has been referred.

Art.3 of Law no. 73/1993 provides: "(1) Draft laws and legislative proposals shall be submitted to Parliament for debate with the opinion of the Legislative Council.(2) The opinion shall be given within the time limit set by the Standing Bureau or the standing committee of the House of Parliament which requested it. If the opinion is not given within the time limit set, this shall not prevent the legislative procedure from proceeding."

The Constitution establishes two ways for the Government to enter into the sphere of primary regulation of social relations, namely: a) the Government's accountability to Parliament; b) the adoption of ordinances and emergency ordinances.

Observing the case-law of the CCR (note: Constitutional Court of Romania) [14], the specialized doctrine has emphasized that this does not infringe the "legislative monopoly of Parliament", as long as the methods of lawmaking set out are used under the conditions laid down by the Constitution.

Pursuant art.4 of Law no.73/1993:"(1) Draft ordinances and decisions of a regulatory nature shall be submitted to the Government for adoption only with the opinion of the Legislative Council on the legality of the measures envisaged and on the manner in which the requirements laid down in Article 3 para. (3) are met, which shall apply accordingly. (2) The opinion is advisory.(3) The opinion will be given within the period requested by the Government, which may not be less than 10 days in the case of projects under the ordinary procedure and 2 days in the case of those under the emergency procedure. For the ordinances provided by art. 115 para. (4) from the Constitution, republished, the time limit is 24 hours".

Through a rich jurisprudence [15], the Court has established that *the lack of request for the opinion of the Legislative Council leads to the unconstitutionality of the law or ordinance - simple or emergency -* in the light of Article 79 of the Constitution.

By *Decision No. 221 of June 2nd, 2020*, on the exception of unconstitutionality of Government Emergency Ordinance No. 23/2020 amending and supplementing certain regulatory acts with an impact on the public procurement system [16], the Court - notified with the resolution of the exception of unconstitutionality of the provisions of GEO No. 23 of February 4th, 2020 amending and supplementing certain regulatory acts with an impact on the public procurement system, an exception raised directly by the People's Advocate - held that two issues of principle arise in relation to the Government's way of working: (i) which is the date on which the opinion of the Legislative Council was requested, (ii) whether the emergency ordinance was adopted without seeking the opinion of the Legislative Council.

The Court noted that the emergency ordinance under criticism was adopted on February 4th, 2020, that the Legislative Council initially issued a negative opinion No. 91

of February 10th, 2020 on the draft Government Emergency Ordinance for amending and supplementing certain regulatory acts in the field of public/sector procurement (draft sent by the Government on February 4th, 2020 and received and registered at the Legislative Council on February 5th, 2020). Subsequently, the Legislative Council issued a Negative Opinion No. 95 of February 10th, 2020, on the draft Government Emergency Ordinance for amending and supplementing certain regulatory acts with an impact on the public procurement system (draft submitted by the Government on February 6th, 2020 and received and registered at the Legislative Council on February 6th, 2020).

From the facts as they stand, the Court finds that the contradictory nature of the approval procedure, which is part of the procedure for the adoption of the emergency ordinance at issue, is unquestionable, since it is either held that the opinion of the Legislative Council was requested twice for one and the same act, or that after the first opinion was requested, the Government adopted the emergency ordinance and subsequently requested another opinion, or that there are two different draft emergency ordinances for which opinions were requested on two different dates. (par.65)

The Court finds that the Government, after having adopted the emergency ordinance and having, at the same time, been dismissed by a motion of censure on February 5th, 2020, could not, on February 6th, 2020, request the opinion of the Legislative Council, since it is clear that opinions are requested before the adoption of the primary regulatory act by a Government exercising its powers in full (...) (par.66)

Council must be expressed, the Court points out that it runs from the date of registration with the Legislative Council of the request for approval of the draft legislative act, since it is not sufficient for the request for an opinion on the draft emergency ordinance to be registered with the General Secretary of the Government on the day on which the emergency ordinance is issued (...) because otherwise the very role of the Legislative Council would be compromised, because the situation could arise where, at the time the request for an opinion is received, the legislative act has already been adopted, as was the case here (par.67)

The Court concludes that, at the time of issuing the emergency ordinance, the Government did not request the opinion of the Legislative Council and thus violated Article 1 para. (3) and (5) as well as Art. 79 para. (1) of the Constitution.

Approval of legislation acts by other public authorities

While the opinion of the Legislative Council is required for all primary regulatory acts, the opinion of the other public authorities must be sought according to their specialised fields, as laid down in their laws on organisation and functioning.

Opinion of the Economic and Social Council

Art.141 from the Constitution enshrines the role of the Economic and Social Council as "an advisory body to the Parliament and the Government in the specialized areas laid down by its organic law establishing, organising and functioning".

Law no. 248/2013 regarding the organisation and functioning of the Economic and Social Council [18] - through art.2 para. (1) and para. (2) let.c) mentions, „(1) Social and Economic Council is mandatory consulted on draft legislation initiated by the Government or on legislative proposals by MP or Senators. The result of this consultation takes the form of opinions on draft legislation. (2) The specialised areas of the Economic and Social Council are: (...) c) *labour relations, social protection, wage policies and equal opportunities and treatment*".

By *Decision no. 681/2018 regarding the objection of unconstitutionality of the Law on the Administrative Code of Romania, the Constitutional Court [19]* – reiterating its case-law on the role of the Economic and Social Council and the nature of its opinion [20], held that Article 141 of the Constitution merely enshrines the role of the Economic and Social Council as an advisory body to the Parliament and the Government, and that if the will of the constituent legislator had been to make it compulsory to request an opinion on all primary regulatory acts, then this would have been expressed in Article 141 of the Basic Law, in a manner similar to that used in drafting Article 79, to regulate the role and powers of the Legislative Council.

By reference, however, to the provisions art.1 para. (5) [21] of the Constitution and the dispositions of art.2 para. (2) let.c) of Law no. 248/2013, the Court establishes that the Law regarding the Administrative Code of Romania regulates the labour/work relationships of the employees— contractual personnel or civil servants — of the public administration. The Court finds that, in the absence of a request for an opinion at the time

of the parliamentary procedure for legislating the normative act under examination, the provisions of Article 1(5) of the Constitution were disregarded. *Given the subject-matter of the legislative proposal in question, it was mandatory to have requested the opinion of the Economic and Social Council, in order to consult it, as a specialised advisory body of the Parliament and the Government, and it is irrelevant whether the legislature, in its legislative work, took account of its content or not. Ignoring the constitutional principle of mandatory compliance with the law in the course of parliamentary lawmaking procedures would place the legislature in a privileged position, prohibited by the constitutional principle of equality enshrined in Article 16 para. (2) of the Fundamental Law. (...)* (par.251).

A similar approach can be found in Decision no. 722/2020 [22] on the objection of unconstitutionality of the Law for the modification and completion of Law no. 94/1992 on the organisation and functioning of the Court of Accounts. The Court ruled that the law, in its entirety, is unconstitutional in relation to the provisions of art.1 para. (3) and (5) and art.141 from the Constitution in connection with art.2 para. (2) let.c) from Law no. 248/2013, whereas the opinion of the Economic and Social Council has not been sought.

The Court also takes on board the opinion of the Venice Commission, in the report entitled Rule of law checklist, adopted at the 106th plenary session (Venice, 11-12 March 2016), stating that "the procedure for adopting laws is a criterion for assessing legality, which is the first of the reference values of the rule of law (point IIA5). In this respect, according to the same document, the existence of clear constitutional rules on the legislative procedure, public debates on draft laws, their adequate justification, the existence of impact assessments prior to the adoption of laws are relevant. On the role of these procedures, the Commission notes that the rule of law is linked to democracy in that it promotes accountability and access to rights that limit the powers of the majority." (par.84)

Opinion of the Supreme Council of National Defence

Pursuant art.119 from the Constitution, the Supreme Council of National Defence „organizes and coordinates ază și organises and coordinates activities concerning the defence of the country and national security (...)". According to Article 4 letter d) point 1

of Law no. 415/2002 on the organization and functioning of the Supreme Council of National Defence, it "shall approve draft normative acts initiated or issued by the Government concerning: national security (...)

Corroborating these dispositions to the provisions of Articles 9 and 31 para. 3 of Law 24/2000, the Constitutional Court - by Decision no. 455/2018 [23] - admitted the objection of unconstitutionality of the provisions of the Law on ensuring a high common level of security of networks and information systems. The Court held that the Government was obliged to request the opinion of the Supreme Council of National Defence, that although the constitutional provision does not make any express reference in this regard, the texts of the infra-constitutional legislation invoked required the request for the opinion. This is because, whether the power is granted by law or directly by the text of the Constitution, the authorities are obliged to apply and respect it by virtue of Article 1 para. 5 of the Constitution (...), a conclusion which is required by the fact that the principle of legality is one of constitutional rank.

The Court - invoking its constant case-law [24] - stresses that the absence of the opinion of the public authorities concerned does not automatically lead to the unconstitutionality of the law on which it has not been given, since what prevails is the Government's obligation to request it. The fact that the authority required to issue such an opinion, although requested to do so, has not done so it 'constitutes a misunderstanding of its legal and constitutional role, without, however, affecting the constitutionality of the law on which the opinion was not given.' (par.68).

Opinion of the Superior Council of Magistracy

Pursuant art. 38 para. (3) of Law no. 317/2004 regarding the Superior Council of Magistracy [25]: „The Plenary of the Superior Council of Magistracy endorses draft normative acts concerning the activity of the judicial authority“.

Within the scope of the term "legal acts concerning the activity of the judicial authority" are included: legal acts directly concerning the organisation and functioning of the judicial authority, such as the functioning of the courts, the career of magistrates, their rights and obligations, etc. The draft laws requiring an opinion of the Superior Council of Magistracy are the normative acts on the status of judges and prosecutors - currently

regulated by Law No 303/2004, the judicial organisation - currently regulated by Law No 304/2004, as well as the normative acts on the organisation and functioning of the Superior Council of Magistracy, the subject matter of which is regulated by Law no. 317/2004. [26]

Having been referred to the Court for review of the constitutionality of the Law for the amendment and completion of certain normative acts, the Court - by Decision no. 3/2014 [27] - censured the authors of the objection of unconstitutionality, according to which the omission to submit to the Council for its opinion the normative act amending the Criminal Code would contravene its constitutional role as guarantor of the independence of justice, it would implicitly accept the thesis according to which the opinion of the Superior Council of Magistracy would be mandatory in the drafting of all normative acts.

In the recitals of the Decision, the Court states that "in so far as any law is liable to give rise to a conflict situation which would require a court to be entrusted with the settlement of the dispute, it may be concluded that all legislative acts concern the activity of the judicial authority. However, beyond the lack of logical and legal basis for such an interpretation, the circumstance created would lead to a situation in which the Superior Council of the Magistracy would have powers similar to those of the Legislative Council, which, according to Article 79 para. (1) of the Constitution (...) is inadmissible. The Superior Council of Magistracy, as part of the judicial authority, (...) cannot be transformed into a consultative body of the Parliament, the legislative authority, without affecting constitutional values such as the rule of law or the principle of the separation and balance of powers in constitutional democracy".

By Decision no. 221/2020 – to which I referred in observing the importance of the opinion of the Legislative Council, the Constitutional Court ruled that the failure to request the legal opinion of the Superior Council of Magistracy constitutes a violation of Article 1 para. (5) in relation to Art. 133 para. (1) of the Constitution, which implicitly constitutes a violation of Art. 1 para. (3) on the rule of law. However, although the criticism of unconstitutionality raised is extrinsic, its admission does not concern the unconstitutionality of the entire legislative act, since the opinion of the Superior Council of the Magistracy cannot concern the entire law, because it does not fall in its entirety

within the field in which the Superior Council of the Magistracy has the power to issue opinions, but only the provision of Article IV, paragraph 26 [28] of the emergency ordinance, which established as a disciplinary offence the failure by the court to comply with the time-limits or the provisions/measures contained in the legislative act. In view of the limited effect of the opinion of the Superior Council of the Magistracy on matters relating to judicial authority, the Court held that, if requested, it was competent to give its opinion only on the provision concerning a new disciplinary offence of judges. [29].

Final considerations

Without claiming to have carried out an exhaustive research in the field of endorsement of primary regulatory acts - which would not even be possible in a specialized article - we hope that we have succeeded in highlighting its particular importance, especially the endorsement activity carried out by the Legislative Council.

A glance at the opinions issued by the Legislative Council for 2021 shows that: 1) the number of negative opinions issued in 2021 remained at a high level, i.e. 111, compared to 2020, when 116 were issued, but doubled the number issued in 2019, when 57 such opinions were issued; 2) the number of favourable opinions, with comments and proposals, was 899; 3) the number of favourable opinions, without comments, decreased significantly in the year 2021, respectively to 49, from 88 in 2020, 90 in 2019, 106 in 2018 or 117 in the year 2017 [30].

These statistics - in our opinion - draw attention, on the one hand, to the need to increase the quality of legislative initiatives, regardless of the form they take (bills [31] or legislative proposals [32]), and, on the other hand, to the need for awareness on the part of the legislator (mayor/parliament or delegate/government) of the fact that the opinion of the Legislative Council is not a mere "paper" circulating in the process of adopting primary regulatory acts.

As we have already stated on other occasions [33], the main object of the opinion of the Legislative Council is the quality of the law and its compliance with constitutional provisions and those of international treaties ratified by Romania, from which perspective the role of this authority of constitutional rank must be strengthened.

In order to strengthen the role of the Legislative Council, we believe that it is necessary to intervene on the legislative framework that enshrines its powers. Thus, *de lege ferenda* we propose that Article 2 paragraph 1 of Law no. 73/1993 be supplemented and amended by extending the powers of the Legislative Council with:

- reviewing and endorsing normative acts that are issued on the basis and in execution of laws, Government decisions and ordinances, namely: administrative orders, instructions and other acts of the heads of ministries, central public administration bodies or autonomous administrative authorities;
- analysis and endorsement of draft laws approving or rejecting ordinances (simple or emergency) issued by the Government.

We conclude by stating - with conviction - that the goal of quality legislation can only be achieved through the combined efforts of all actors involved in the legislative procedure, that the opinions issued by the public authorities with competence in the procedure for approving legislative acts must necessarily be carefully observed by the primary or delegated legislator.

References:

- [1] For details, see N.Popa, *General Theory of Law*, Actami Publishing House, Bucharest, Romania., 1997, pp.211-212.
- [2] A.R.Lazăr, *Procedural aspects of the issuance of administrative acts. Some considerations on the procedure of tacit approval*, in RDP no.3/2003, p.87 apud V.Vedinaș, *Administrative Law*, 13th revised and added edition, Ed.Universul Juridic, Bucharest, 2022
- [3] Flavia Ghencea, *Reglementari cu privire la aviz in Codul administrativ*, in *Revista de Drept Public* no. 1-2/2021, p. 97.
- [4] M.Safta "Constitutional Court case law note [6-31 July 2020]. Approval of legislative acts", material available on <https://www.juridice.ro/692146/nota-de-jurisprudenta-a-curtii-constitutionale-6-iulie-31-iulie-2020-avizarea-actelor-normative.html>
- [5] The first Legislative Council - organized as a separate institution of the state, was established by Law no.20/1925 (Mârzescu Law), according to the Constitution of 1923; the Constitution of 1938 - by art.72, consolidates the role of the Legislative Council; During the communist period, we do not find regulated - at constitutional level, the institution of the Legislative Council. The second Legislative Council - re-established under Law 15/1971, under the leadership of the eminent Professor Ioan Ceterchi, ceased its activity in December 1989, following the dissolution of the Great National Assembly.
- [6] Sorin Popescu in "Romania's Constitution. Commentary on articles"- coord. I.Muraru, E.S.Tănăsescu, 2nd edition, Ed. C.H.Beck, Bucharest, 2019, p.691
- [7] Law No. 73/1993 on the establishment, organisation and functioning of the Legislative Council, published in National Gazette no. 260 of 5 November 1993, republished in National Gazette No. 1122 of 29 November 2004
- [8] Published in the National Gazette no. 43 from 28 February, 1996.
- [9] V.Dorneanu, *The Legislative Council at 25 years of existence - living and eloquent proof of its necessity, usefulness and importance*, in *Buletin de Informare Legislativa* no.2/2021, p.16
- [10] published in Official Gazette No 139 of 31 March 2000; republished in Official Gazette No 260 of 21 April 2010 (r2).

- [11] Published in the Official Gazette, No 14 of 13 February 1976
- [12] Decision No 304 of 4 May 2017, published in Official Gazette No 520 of 5 July 2017.
- [13] Decision no. 221/2020, published in the Official Gazette no. 594 from 7 July 2020, par. 53.
- [14] M.Safta, The Government's responsibility for a draft law. The jurisprudence of the Constitutional Court on the matter, article available on <https://www.ccr.ro/wp-content/uploads/2021/01/safta.pdf>
- [15] See Decision No. 83 of 15 January 2009, published in Official Gazette No. 187 of 25 March 2009, Decision No. 354 of 24 September 2013, published in Official Gazette No. 764 of 9 December 2013, Decision No. 140 of 13 March 2019, published in Official Gazette No. 377 of 14 May 2019.
- [16] Published in the Of. Gaz. No. 594 from 7 July 2020
- [17] Published in the Of. Gaz. No. 106 from 12 February 2020
- [18] Republished in the Official Gazette of Romania, Part I, no.740 from 2 October 2015.
- [19] Published in the Of. Gaz. No. 190 from 11 March 2019.
- [20] Decision no. 83 of 15 /2009, published in Of. Gaz. no.187 of 25 March 2009, Decision no. 354/ 2013, published in Of. Gaz. no. 764 of 9 December 2013.
- [21] „In Romania, respect for the Constitution, its supremacy and the laws is mandatory.”
- [22] Published in the Of. Gaz. no. 1074 from 13 November 2020.
- [23] Published in the Of. Gaz. no. 622 from 18 July 2018
- [24] Decision No. 383 of 23 March 2011, published in Official Gazette No. 281 of 21 April 2011, Decision 574/2011, and Decision No. 575/2011, paragraph IV.A.2., published in Official Gazette No. 368 of 26 May 2011.
- [25] Published in the Of. Gaz. no. 628 from 1 September 2012.
- [26] See Decision 901/2001, published in the Official Gaz. no. 503 of 21 July 2001, Decision no. 221/2020, published in the Official Gaz. no. 594 of 7 July 2020.
- [27] Published in the Of. Gaz. no. 71 from 29 January 2014
- [28] Art.IV pct.26: "Failure to comply with the time limits laid down in this law or with the provisions contained in this law concerning the solutions or measures that may be ordered by the court constitutes a disciplinary offence and shall be punished according to the law."
- [29] In the present case, the Court found that the delegated legislature chose not to amend Article 99 of Law no. 303/2004 governing disciplinary offences of judges and prosecutors.
- [30] Source: Report on the work of the Legislative Council in 2021, available on the website <http://www.clr.ro/wp-content/uploads/2022/07/Raport-CL-2021.pdf>
- [31] Legislative initiatives belonging to the Government.
- [32] Legislative initiatives belonging to senators, deputies and citizens, under the conditions laid down in Article 74 of the Constitution.
- [33] Anca-Jeanina Niță, The Legislative Council - Parliament's consultative body in ensuring the quality of the law, a primary condition of the rule of law, in Revista de Drept Public no.1/2022, p.38-50.