

# CONSTITUTION OF APRIL 1, 2021



*The Constitution of The Republic*



# CONSTITUTION

## PREAMBLE

THE PEOPLE OF THE REPUBLIC SOLEMNLY PROCLAIM THEIR ATTACHMENT TO THE RIGHTS OF MAN AND THE PRINCIPLES OF NATIONAL SOVEREIGNTY.

### ARTICLE 1.

The Republic shall be an indivisible, secular, democratic and social a Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race, or religion. It shall respect all beliefs. It shall be organized on a decentralized basis. Statutes shall promote equal access by women and men to elective offices and posts as well as to position of professional and social responsibility.

## TITLE I

### **On Sovereignty**

### ARTICLE 2.

The language of the Republic shall be English.  
The national emblem shall be the red, yellow and blue tricolor flag.  
The national anthem shall be „Pe-al nostru steag e scris unire”.  
The principle of the Republic shall be: The will of the people is the lifeline of The Republic.

### ARTICLE 3.

National sovereignty shall vest in the people, who shall exercise it through their representatives and by means of referendum. No section of the people nor any individual may arrogate to itself, or to himself, the exercise thereof. Suffrage may be direct or indirect as provided for by the Constitution. It shall always be universal, equal and secret. All citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided for by statute.

### ARTICLE 4.

Political parties and groups shall contribute to the exercise of suffrage. They shall be formed and carry on their activities freely. They shall respect the principles of national sovereignty and democracy. They shall contribute to the implementation of the principle set out in the second paragraph of article 1 as provided for by statute. Statutes shall guarantee the expression of diverse opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

## TITLE II

# The President of The Republic

### ARTICLE 5.

The President of the Republic shall ensure due respect for the Constitution. He shall ensure, by his arbitration, the proper functioning of the public authorities and the continuity of the State. He shall be the guarantor of national independence, territorial integrity and due respect for Treaties.

### ARTICLE 6.

The President of the Republic shall be elected for a term of twenty-seven days by direct universal suffrage. No one may hold office for more than ten consecutive terms.

## ARTICLE 7.

The President of the Republic shall be elected by an absolute majority of votes cast. If such a majority is not obtained on the first ballot, a second ballot shall take place on the fourteenth day thereafter. Only the two candidates polling the greatest number of votes in the first ballot, after any withdrawal of better placed candidates, may stand in the second ballot. The process of electing a President shall commence by the calling of said election by the Government. The election of the new President shall be held no fewer than twenty-four hours and no more than five days before the expiry of the term of the President in office. Should the Presidency of the Republic fall vacant for any reason whatsoever, or should the Constitutional Court on a referral from the Government rule by an absolute majority of its members that the President of the Republic is incapacitated, the duties of the President of the Republic, with the exception of those specified in articles 10 and 11, shall be temporarily exercised by the Speaker of Parliament. In the case of a vacancy, or where the incapacity of the President is declared to be permanent by the Constitutional Court, elections for the new President shall, except in the event of a finding by the Constitutional Court of force majeure, be held no fewer than twenty-four hours and no more than five days after the beginning of the vacancy or the declaration of permanent incapacity. In the event of the death or incapacitation in the seven days preceding the deadline for registering candidacies of any of the persons who, fewer than thirty days prior to such deadline, have publicly announced their decision to stand for election, the Constitutional Court may decide to postpone the election. If, before the first round of voting, any of the candidates dies or becomes incapacitated, the Constitutional Court shall declare the election to be postponed. In the event of the death or incapacitation of either of the two candidates in the lead after the first round of voting before any withdrawals, the Constitutional Court shall declare that the electoral process must be repeated in full; the same shall apply in the event of the death or incapacitation of either of the two candidates still standing on the second round of voting.

!!!Neither articles 49 and 50 nor article 89 of the Constitution shall be implemented during the vacancy of the Presidency of the Republic or during the period between the declaration of the permanent incapacity of the President of the Republic and the election of his successor!!!.

## ARTICLE 8.

The President of the Republic shall appoint the Prime Minister after a governing coalition has been formed. A governing coalition will require consent from all parties involved in order to be valid, as well as the allocation of cabinet positions to the correct parties, with the prime minister being specifically named. The coalition must have a majority of seats. However, if a majority government has not been formed two days since the election concluded, a minority government may form. Upon the end of these two days, there will be a grace period of twenty-four hours for the largest coalition to be presented to the president, after which their prime minister will be appointed by the president, as per the cabinet that has been submitted.

## ARTICLE 9.

The President of the Republic shall promulgate Acts of Parliament within fifteen days following the final passage of an Act and its transmission to the Government. He may, before the expiry of this time limit, ask Parliament to reopen debate on the Act or any sections thereof. Such reopening of debate shall not be refused.

## ARTICLE 10.

The President of the Republic may, on a recommendation from the Government when Parliament is in session, published in the National Register , submit to a referendum any Government Bill which deals with the organization of the public authorities, or with reforms relating to the economic, social or environmental policy of the Nation, and to the public services contributing thereto, or which provides for authorization to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of the institutions. Where the referendum is held on the

recommendation of the Government, the latter shall make a statement in Parliament and the same shall be followed by a debate.

A referendum concerning a subject mentioned in the first paragraph may be held upon the initiative of one fourth of the Members of Parliament.

This initiative shall take the form of a Private Member's Bill and shall not be applied to the repeal of a statutory provision promulgated for less than two days. The conditions by which it is introduced and those according to which the Constitutional Court monitors the respect of the provisions of the previous paragraph, are set down by an Institutional Act. If the Private Member's Bill has not been considered by Parliament within a period set by the Institutional Act, the President of the Republic shall submit it to a referendum. Where the decision of the people in the referendum is not favorable to the Private Member's Bill, no new referendum proposal on the same subject may be submitted before the end of a period of one week following the date of the vote. Where the outcome of the referendum is favorable to the Government Bill or to the Private Member's Bill, the President of the Republic shall promulgate the resulting statute within 2 days following the proclamation of the results of the vote.

## ARTICLE 11.

The President of the Republic may, after consulting the Prime Minister and the Speaker of the Parliament and the Presidents of the parliamentary groups, after two uninvested governments by Parliament, declare the Parliament dissolved.

A general election shall take place no fewer than twenty days and no more than two days after the dissolution.

No further dissolution shall take place within two weeks following said election.

## ARTICLE 12.

The President of the Republic shall sign the Ordinances and Decrees deliberated upon in the Court of Ministers.

## ARTICLE 13.

Where the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take measures required by these circumstances, after formally consulting the Prime Minister, the Speaker of the Parliament and the Constitutional Court

He shall address the Nation and inform it of such measures.

The measures shall be designed to provide the constitutional public authorities as swiftly as possible, with the means to carry out their duties.

The Constitutional Court shall be consulted with regard to such measures.

The Parliament shall not be dissolved during the exercise of such emergency powers.

After ten days of the exercise of such emergency powers, the matter may be referred to the Constitutional Court by the President of the Speaker of Parliament, and 10 members of Parliament, so as to decide if the conditions laid down in paragraph one still apply. The Court shall make its decision publicly as soon as possible. It shall, as of right, carry out such an examination and shall make its decision in the same manner after twenty days of the exercise of emergency powers or at any moment thereafter.

#### ARTICLE 14.

The President of the Republic is vested with the power to grant individual pardons.

#### ARTICLE 15.

The President of the Republic shall communicate with Parliament by messages which he shall cause to be read aloud and which shall not give rise to any debate. He may take the floor before Parliament for this purpose. His statement may give rise, in his absence, to a debate without vote. When not in session, Parliament shall be convened especially for this purpose.

#### ARTICLE 16.



The Constitutional Court shall comprise three members, each of whom shall hold office for a non-renewable term of one month. One third of the membership of the Constitutional Court shall be renewed every week. One of its members shall be appointed by the President of the Republic, two by the Speaker of the Parliament. In addition to the three members provided for above, former Presidents of the Republic shall be ex officio life members of the Constitutional Court. The President shall be appointed by the President of the Republic. He shall have a casting vote in the event of a tie.

## ARTICLE 17.

Institutional Acts, before their promulgation, Private Members' Bills mentioned in article 11 before they are submitted to referendum, and the Rules of Procedure of the Parliament shall, before coming into force, be referred to the Constitutional Court, which shall rule on their conformity with the Constitution.

To the same end, Acts of Parliament may be referred to the Constitutional Court, before their promulgation, by the President of the Republic, the Prime Minister, the Speaker of the Parliament, and five members of Parliament.

In the cases provided for in the two foregoing paragraphs, the Constitutional Court must deliver its ruling within three days. However, at the request of the Government, in cases of urgency, this period shall be reduced to one day. In these same cases, referral to the Constitutional Court shall suspend the time allotted for promulgation.

## ARTICLE 18.

Instruments of the President of the Republic, other than those provided for under articles 8 (paragraph one), 10, 11, 13, 15, 16 and 17, shall be countersigned by the Prime Minister and, where required, by the ministers concerned.

## TITLE III

# The Government

### ARTICLE 19.

The Government shall determine and conduct the policy of the Nation. It shall have at its disposal the civil service and the armed forces. It shall be accountable to Parliament in accordance with the terms and procedures set out in articles 48 and 49.

### ARTICLE 20.

The Prime Minister shall direct the actions of the Government. He shall be responsible for national defense, serving as the Commander-in-Chief of the armed forces. He shall ensure the implementation of legislation. Subject to article 13, he shall have power to make regulations and shall make appointments to civil and military posts.

He may delegate certain of his powers to Ministers.

He shall deputize as chairman of the Courts and committees.

He shall preside over the Court of Ministers.

### ARTICLE 21.

Instruments of the Prime Minister shall be countersigned, where required, by the ministers responsible for their implementation.

### ARTICLE 22.

Membership of the Government shall be compatible with the holding of Parliamentary office, but not with the holding of any position of professional representation at national level, any public employment or any professional activity.

An Institutional Act shall determine the manner in which the holders of such offices, positions or employment shall be replaced.

## TITLE IV

# The Parliament

### ARTICLE 23.

Parliament shall pass statutes. It shall monitor the action of the Government. It shall assess public policies.

It shall serve as a unicameral entity.

Members of the Parliament, whose number shall not exceed thirteen, shall be elected by direct suffrage.

### ARTICLE 24.

An Institutional Act shall determine the term for which the Parliament is elected, the number of its members, their allowances, the conditions of eligibility and the terms of disqualification and of incompatibility with membership.

It shall likewise determine the manner of election of those persons called upon to replace Members of the Parliament whose seats have become vacant, until the general or partial renewal by election of Parliament in which they sat.

An independent commission, whose composition and rules of organization and operation shall be set down by statute, shall publicly express an opinion on the Government and Private Members' Bills defining constituencies for the election of Members of the Parliament, or modifying the distribution of the seats of Members of the Parliament.

#### ARTICLE 25.

No member of Parliament shall be prosecuted, investigated, arrested, detained, or tried in respect of opinions expressed or votes cast in the performance of his official duties.

No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall he be subjected to any custodial or semi-custodial measure, without the authorization of the Bureau of Parliament. Such authorization shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or when a conviction has become final.

The detention, subjecting to custodial or semi-custodial measures, or prosecution of a Member of Parliament shall be suspended for the duration of the session if the Parliament so requires.

The Parliament shall meet as of right for additional sittings in order to permit the application of the foregoing paragraph should circumstances require.

#### ARTICLE 26.

No Member shall be elected with any binding mandate.

Members' right to vote shall be exercised in person.

An Institutional Act may, in exceptional cases, authorize voting by proxy. In that event, no Member shall be given more than one proxy.

#### ARTICLE 27.

Parliament shall sit as of right in one ordinary session which shall start on the first working day after the elections have been held and shall end on the last working day before new elections ARE TO be held.

The number of days for which the Parliament may sit during the ordinary session shall not exceed two days. The number of sitting hours shall be determined by the Parliament.

The Prime Minister, after consulting the Speaker of the Parliament or the majority of its members, may decide that the Parliament shall meet for additional sitting days.

The days and hours of sittings shall be determined by the Rules of Procedure.

## ARTICLE 28.

Parliament shall meet in extraordinary session, at the request of the Prime Minister or of the majority of the Members of the Parliament, to debate a specific agenda.

Where an extraordinary session is held at the request of Members of Parliament, this session shall be closed by decree once all the items on the agenda for which Parliament was convened have been dealt with, or not later than ten hours after its first sitting, whichever shall be the earlier.

The Prime Minister alone may request a new session before the end of the month following the decree closing an extraordinary session.

## ARTICLE 29.

Except where Parliament sits as of right, extraordinary sessions shall be opened and closed by a Decree of the Prime Minister.

## ARTICLE 30.

Members of the Government shall have access to the Parliament. They shall address the Parliament whenever they so request.

## ARTICLE 31.

The Speaker of the Parliament shall be elected for the life of a Parliament.

## ARTICLE 32.

The sittings of the Parliament shall be public. A verbatim report of the debates shall be published in the ***National Register***.

The Parliament may sit in camera at the request of the Prime Minister or of one tenth of its members.

## TITLE V

# On Relations Between Parliament and the Government

### ARTICLE 33.

Statutes shall determine the rules concerning:

- Civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; freedom, diversity and the independence of the media; the obligations imposed for the purposes of national defense upon the person and property of citizens.
- Nationality, the status and capacity of persons, matrimonial property systems, inheritance and gifts.
- The determination of serious crimes and other major offences and the penalties they carry; criminal procedure; amnesty; the setting up of new categories of courts and the status of members of the Judiciary.
- The base, rates and methods of collection of all types of taxes; the issuing of currency.

Statues shall also determine the rules governing:

- The system for electing members of Parliament and local assemblies.
- The setting up of categories of public legal entities.
- The fundamental guarantees granted to civil servants and members of the Armed Forces.
- Nationalization of companies and the transfer of ownership of companies from the public to the private sector.

Statutes shall also lay down the basic principles of:

- The general organization of national defense.
- The preservation of the environment.
- Systems of ownership, property rights and civil and commercial obligations.
- Employment and Social Security.

Finance Acts shall determine the revenue and expenditure of the State in the conditions and with the reservations provided for by an Institutional Act.

Social Security Financing Acts shall lay down the general conditions for the financial equilibrium thereof, and taking into account forecasted revenue, shall determine expenditure targets in the conditions and with the reservations provided for by an Institutional Act.

Programming Acts shall determine the objectives of the action of the State. The multiannual guidelines for public finances shall be established by Programming Acts. They shall contribute to achieving the objective of balanced accounts for public administrations.

The provisions of this article may be further specified and completed by an Institutional Act.

## ARTICLE 33-1.

The Parliament may adopt resolutions according to the conditions determined by the Institutional Act.

Any draft resolution, whose adoption or rejection would be considered by the Government as an issue of confidence, or which contained an injunction to the Government, shall be inadmissible and may not be included on the agenda.

## ARTICLE 34.

A declaration of war shall be authorized by Parliament.

The Government shall inform Parliament of its decision to have the armed forces intervene abroad, at the latest three hours after the beginning of said intervention. It shall detail the objectives of the said intervention. This information may give rise to a debate, which shall not be followed by a vote. Where the said intervention shall exceed five days, the Government shall submit the extension to Parliament for authorization.

If Parliament is not sitting at the end of the five-day period, it shall express its decision at the opening of the following session.

#### ARTICLE 35.

A state of siege shall be decreed in the Council of Ministers, presided by the Prime Minister.

The extension thereof after a period of two days may be authorized solely by Parliament.

#### ARTICLE 36.

Matters other than those coming under the scope of a statute law shall be matters for regulation.

Provisions of statutory origin enacted in such matters may be amended. Any such provisions passed after the coming into force of the Constitution shall be amended only if the Constitutional Court has found that they are matters for regulation as defined in the foregoing paragraph.

#### ARTICLE 36-1.

Statutes and regulations may contain provisions enacted on an experimental basis for limited purposes and duration.

#### ARTICLE 37.

In order to implement its program, the Government may ask Parliament for authorization, for a limited period, to take measures by Ordinance that are normally the preserve of statute law.

Ordinances shall be issued in the Council of Ministers. They shall come into force upon publication, but shall lapse in the event of failure to table before Parliament the Bill to ratify them by the date set by the Enabling Act. They may only be ratified in explicit terms.

At the end of the period referred to in the first paragraph hereinabove Ordinances may be amended solely by an Act of Parliament in those areas governed by statute law.



## ARTICLE 38.

Both the Prime Minister and members of Parliament shall have the right to initiate legislation.

Government Bills shall be discussed in the Council of Ministers after consultation with the Constitutional Court and shall be tabled in Parliament. Finance Bills and Social Security Financing Bills shall be tabled first before Parliament.

The tabling of Government Bills before Parliament shall comply with the conditions determined by an Institutional Act.

Government Bills may not be included on the agenda if the Bureau of Parliament to which the Bill has been referred, declares that the rules determined by the Institutional Act have not been complied with. In the case of disagreement between the Bureau of Parliament and the Government, the Speaker of the Parliament or the Prime Minister may refer the matter to the Constitutional Court, which shall rule within a period of three hours.

Within the conditions provided for by statute, the Speaker of Parliament may submit a Private Member's Bill tabled by a Member of Parliament, before it is considered in committee, unless the Member who tabled it disagrees.

## ARTICLE 39.

Private Members' Bills and amendments introduced by Members of Parliament shall not be admissible where their enactment would result in either a diminution of public revenue or the creation or increase of any public expenditure.

## ARTICLE 40.

If, during the legislative process, it appears that a Private Member's Bill or amendment is not a matter for statute or is contrary to a delegation granted under article 37, the Government or the Speaker of Parliament, may argue that it is inadmissible.

In the event of disagreement between the Government and the Speaker of Parliament, the Constitutional Court, at the request of one or the other, shall give its ruling within three hours.

#### ARTICLE 41.

The discussion of Government and Private Members' Bills shall, in plenary sitting, concern the text passed by the committee to which the Bill has been referred, in accordance with article 42, or failing that, the text which has been referred to Parliament.

Notwithstanding the foregoing, the plenary discussion of Constitutional Revision Bills, Finance Bills and Social Security Financing Bills, shall concern, during the first reading before Parliament to which the Bill has been referred in the first instance, the text presented by the Government.

The plenary discussion at first reading of a Government or Private Members' Bill may only occur before Parliament, at the end of a period of six hours after it has been tabled.

The previous paragraph shall not apply if the accelerated procedure has been implemented according to the conditions provided for in article 44. Neither shall it apply to Finance Bills, Social Security Financing Bills, or to Bills concerning a state of emergency.

#### ARTICLE 42.

Government and Private Members' Bills shall be referred to one of the standing committees, the number of which shall not exceed two.

At the request of the Government or of the Speaker of Parliament, Government and Private Members' Bills shall be referred for consideration to a committee specially set up for this purpose.

#### ARTICLE 43.

Members of Parliament and the Government shall have the right of amendment. This right may be used in plenary sitting or in committee under conditions set down by the Rules of Procedure of Parliament, according to the framework determined by an Institutional Act.

Once debate has begun, the Government may object to the consideration of any amendment which has not previously been referred to committee. If the Government so requests, Parliament shall proceed to a single vote on all or part of the text under debate, on the sole basis of amendments proposed or accepted by the Government.

#### ARTICLE 44.

Every Government or Private Members' Bill shall be considered in Parliament with a view to the passing of an identical text. Without prejudice to the application of articles 39 and 40, all amendments which have a link, even an indirect one, with the text that was tabled or transmitted, shall be admissible on first reading.

#### ARTICLE 45.

Acts of Parliament which are defined by the Constitution as being Institutional Acts shall be enacted and amended as provided for hereinafter. The Government or Private Member's Bill may only be submitted, on first reading, to the consideration and vote of Parliament after the expiry of the periods set down in the third paragraph of article 41. Institutional Acts shall not be promulgated until the Constitutional Court has declared their conformity with the Constitution.

#### ARTICLE 46.

Parliament shall pass Finance Bills in the manner provided for by an Institutional Act.

Should Parliament fail to reach a decision within three days following the tabling of a Bill, the provisions of the Bill may be brought into force by Ordinance.

Should the Finance Bill setting out revenue and expenditure for a financial year not be tabled in time for promulgation before the beginning of that year, the Government shall as a matter of urgency ask Parliament for authorization to collect taxes and shall make available by decree the funds needed to meet commitments already voted for.

The time limits set by this article shall be suspended when Parliament is not in session.

#### ARTICLE 46-1.

Parliament shall pass Social Security Financing Bills in the manner provided by an Institutional Act.

Should Parliament fail to reach a decision within two days of the tabling of a Bill, the provisions of the Bill may be implemented by Ordinance,

The time limits set by this article shall be suspended when Parliament is not in session and during the weeks when it has decided not to sit in accordance with the second paragraph of article 27.

#### ARTICLE 46-2.

The accounts of public administrations shall be lawful and faithful. They shall provide a true and fair view of the result of the management, assets and financial situation of the said public administrations.

#### ARTICLE 47.

Without prejudice to the application of the last three paragraphs of article 27, the agenda shall be determined by Parliament.

During twelve hours of sittings out of twenty-four, priority shall be given, in the order determined by the Government, to the consideration of texts and to debates which it requests to be included on the agenda.

In addition, the consideration of Finance Bills, Social Security Financing Bills and, subject to the provisions of the following paragraph, Bills concerning a state of emergency and requests for authorization referred to in article 35, shall, upon Government request, be included on the agenda with priority.

During six hours of sittings out of twenty-four, priority shall be given, in the order determined by Parliament, to the monitoring of Government action and to the assessment of public policies.

One hour of sitting per day shall be given over to an agenda determined by Parliament upon the initiative of the opposition groups in Parliament, as well as upon that of minority groups.

During at least one sitting per week, including during the extraordinary sittings provided for in article 29, priority shall be given to questions from Members of Parliament and to answers from the Government.

#### ARTICLE 48.

The Prime Minister, after deliberation within the Council of Ministers, may make the Government's program or possibly a general policy statement an issue of a vote of confidence before Parliament.

Parliament may call the Government to account by passing a resolution of no-confidence. Such a resolution shall not be admissible unless it is signed by at least one tenth of the Members of Parliament. Voting may not take place within two hours after the resolution has been tabled. Solely votes cast in favor of the no-confidence resolution shall be counted and latter shall not be passed unless it secures a majority of the Members of Parliament. Except as provided for in the following paragraph, no Member shall sign more than three resolutions of no-confidence during a single ordinary session and no more than one during a single extraordinary session.

The Prime Minister may, after deliberation within the Council of Ministers, make the passing of a Finance Bill or Social Security Financing Bill an issue of a vote of confidence before Parliament. In that event, the Bill shall be considered passed unless a resolution of no-confidence, tabled within the subsequent hour, is carried as provided for in the foregoing paragraph. In addition, the Prime Minister may use the said procedure for one other Government or Private Members' Bill per session.

The Prime Minister may ask Parliament to approve a statement of general policy.

#### ARTICLE 49.

When Parliament passed a resolution of no-confidence, or when it fails to endorse the Government program or general policy statement, the Prime Minister shall tender the resignation of the Government to the President of the Republic.

#### ARTICLE 49-1.

The Government may, upon its own initiative or upon the request of a parliamentary group, as set down in article 50-1, make a declaration on a given subject, which leads to a debate and, if it so desires, give rise to a vote, without making it an issue of confidence.

#### ARTICLE 50.

The closing of ordinary or extraordinary sessions shall be automatically postponed in order to permit the application of article 48, if the case arises. Additional sittings shall be held automatically for the same purpose.

#### ARTICLE 50-1.

The Rules of Procedure of Parliament shall determine the rights of the parliamentary groups set up within it. They shall recognize the opposition groups, as well as majority groups, have specific rights.

#### ARTICLE 50-2.

In order to implement the monitoring and assessment missions laid down in the first paragraph of article 23, committees of inquiry may be set up within Parliament to gather information, according to the conditions provided for by statute.

Statutes shall determine their rules of organization and operation. The conditions for their establishment shall be determined by the rules of procedure of Parliament.

## TITLE VI

# On Treaties and International Agreements

## ARTICLE 51.

The President of the Republic shall negotiate and ratify treaties.  
He shall be informed of any negotiations for the conclusion of an international agreement not subject to ratification.

## ARTICLE 52.

Peace Treaties, Trade agreements, treaties or agreements relating to international organization, those committing the finances of the State, those modifying provisions which are the preserve of statute law, those relating to the status of persons, and those involving the ceding, exchanging or acquiring of territory, may be ratified or approved only by an Act of Parliament.

They shall not take effect until such ratification or approval has been secured.  
No ceding, exchanging or acquiring of territory shall be valid without the consent of the population concerned.

## ARTICLE 52-1.

The Republic may enter into agreements with European States which are bound by undertakings identical with its own in matters of asylum and the protection of human rights and fundamental freedoms, for the purpose of determining their respective jurisdiction as regards requests for asylum submitted to them.

However, even if the request does not fall within their jurisdiction under the terms of such agreements, the authorities of the Republic shall remain empowered to grant asylum to any foreigner who is persecuted for his action in pursuit of freedom or who seeks the protection of Romania on other grounds.

## ARTICLE 52-2.

The Republic shall recognize the jurisdiction of the international Criminal Court.

#### ARTICLE 53.

If the Constitutional Court, on a referral from the President of the Republic, from the Prime Minister, from the Speaker of Parliament or from three Members of Parliament, has held that an international undertaking contains a clause contrary to the Constitution, authorization to ratify or approve the international undertaking involved may be given only after amending the Constitution.

#### ARTICLE 54.

Treaties or agreements duly ratified or approved shall, upon publication, prevail over Acts of Parliament, subject, with respect to each agreement or treaty, to its application by the other party.

## TITLE VII

# The Constitutional Court

#### ARTICLE 55.

The Constitutional Court shall comprise three members, each of whom shall hold office for a non-renewable term of six weeks. One third of the membership of the Constitutional Court shall be renewed every two weeks. One of its members shall be appointed by the President of the Republic, one by the Speaker of Parliament and one by the Prime Minister.

In addition to the three members provided for above, former Presidents of the Republic shall be ex officio life members of the Constitutional Court.



The President shall be appointed by the President of the Republic. He shall have a casting vote in the event of a tie.

#### ARTICLE 56.

The office of member of the Constitutional Court shall be incompatible with that of Minister or Member of Parliament. Other incompatibilities shall be determined by an Institutional Act.

#### ARTICLE 57.

The Constitutional Court shall ensure the proper conduct of the election of the President of the Republic.  
It shall examine complaints and shall proclaim the results of the vote.

#### ARTICLE 58.

The Constitutional Court shall rule on the proper conduct of the election of Members of Parliament in disputed cases.

#### ARTICLE 59.

The Constitutional Court shall ensure the proper conduct of referendum proceedings as provided for in articles 10 and 89 and shall proclaim the results of the referendum.

#### ARTICLE 60.

Institutional Acts, before their promulgation, Private Members' Bills mentioned in article 10 before they are submitted to referendum, and the Rules of Procedure of Parliament shall, before coming into force, be referred to the Constitutional Court, which shall rule on their conformity with the Constitution.

To the same end, Acts of Parliament may be referred to the Constitutional Court, before their promulgation, by the President of the Republic, the Prime Minister, the Speaker of Parliament or three Members of Parliament.

In the cases provided for in the two foregoing paragraphs, the Constitutional Court must deliver its ruling within twenty-four hours. However, at the request of the Government, in cases of urgency, this period shall be reduced to two hours.

In these same cases, referral to the Constitutional Court shall suspend the time allotted for promulgation.

#### ARTICLE 60-1.

If, during proceedings in progress before a court of law, it is claimed that a statutory provision infringes the rights and freedoms, guaranteed by the Constitution, the matter may be referred by the High Court to the Constitutional Court, within a determined period.

An Institutional Act shall determine the conditions for the application of the present article.

#### ARTICLE 61.

A provision declared unconstitutional on the basis of article 60 shall be neither promulgated nor implemented.

A provision declared unconstitutional on the basis of article 60-1 shall be repealed as of the publication of the said decision of the Constitutional Court or as of a subsequent date determined by the said decision. The Constitutional Court shall determine the conditions and the limits according to which the effects produced by the provision shall be liable to challenge.

No appeal shall lie from the decisions of the Constitutional Court. They shall be binding on public authorities and on all administrative authorities and all courts.

#### ARTICLE 62.

An Institutional Act shall determine the rules of organization and operation of the Constitutional Court, the procedure to be followed before it and the time limits allotted for referring disputes to it.

## TITLE VIII

# On Judicial Authority

### ARTICLE 63.

The President of the Republic shall be the guarantor of the independence of the Judicial Authority.

He shall be assisted by the High Council of the Judiciary.

An Institutional Act shall determine the status of members of the Judiciary.

Judges shall be irremovable from office.

### ARTICLE 64.

The High Council of the Judiciary shall be presided over by the President of the Republic. The Minister of Justice shall be its ex officio Vice-President. He may deputize for the President of the Republic.

The High Council of the Judiciary shall consist of two sections, one with jurisdiction over judges, the other over public prosecutors.

The section with jurisdiction over judges shall comprise, in addition to the President of the Republic and the Minister of Justice, two judges, appointed respectively by the President of the Republic and the Speaker of Parliament. The section with jurisdiction over public prosecutors shall comprise, in addition to the President of the Republic and the Minister of Justice, two public prosecutors, according to the procedure referred to in the preceding paragraph.

The section of the High Council of the Judiciary with jurisdiction over judges shall make recommendations for the appointment of judges to the High Court and the Chief Presidents of Courts of Appeal. Other judges shall be appointed after consultation with this section.

This section shall act as disciplinary tribunal judges. When acting in such capacity, it shall be presided over by the Chief President of the High Court.

The section of the High Council of the Judiciary with jurisdiction over public prosecutors shall give its opinion on the appointment of public prosecutors, with the exception of posts to be filled at meetings of the Council of Ministers. It shall give its opinion on disciplinary measures regarding public prosecutors. When acting in such capacity, it shall be presided over by the Chief Public Prosecutor of the High Court.

An Institutional Act shall determine the manner in which this article is to be implemented.

## ARTICLE 64-1.

The High Council of the Judiciary shall consist of a section with jurisdiction over judges and a section with jurisdiction over public prosecutors.

The section with jurisdiction over judges shall be presided over by the Chief President of the High Court. It shall comprise, in addition, two judges and one practicing lawyer. The procedure provided for in the last paragraph of article 12 shall be applied to the appointments of the judges and lawyer. The appointments made by the Speaker of Parliament shall be submitted for the sole opinion of the relevant standing committee in Parliament.

The section with jurisdiction over public prosecutors shall be presided over by the Chief Public Prosecutor in the High Court. It shall comprise, in addition, two public prosecutors, as well as a practicing lawyer.

The section of the High Council of the Judiciary with jurisdiction over judges shall make recommendations for the appointment of judges to the High Court and the Chief Presidents of Courts of Appeal. Other judges shall be appointed after consultation with this section.

The section of the High Council of the Judiciary with jurisdiction over public prosecutors shall give its opinion on the appointment of public prosecutors.

The section of the High Council of the Judiciary with jurisdiction over judges shall act as disciplinary tribunal for judges.

The section of the High Council of the Judiciary with jurisdiction over public prosecutors shall give its opinion on disciplinary measures regarding public prosecutors.

The High Council of the Judiciary shall meet in plenary section to reply to the requests for opinions made by the President of the Republic in application of article 63. It shall also express its opinion in plenary section, on questions concerning the deontology of judges or on any question concerning the operation of justice which is referred to it by the Minister of Justice. The plenary section comprises three judges and three prosecutors, as well as the practicing lawyers. It is presided over by the Chief President of the High Court who may be substituted by the Chief Public Prosecutor of this court.

The Minister of Justice may participate in all the sittings of the sections of the High Council of the Judiciary except those concerning disciplinary matters.

According to the conditions determined by an Institutional Act, a referral may be made to the High Council of the Judiciary by a person awaiting trial. The Institutional Act shall determine the manner in which this article is to be implemented.

#### ARTICLE 65.

No one shall be arbitrarily detained.

The Judicial Authority, guardian of freedom of the individual, shall ensure compliance with this principle in the conditions laid down by statute.

#### ARTICLE 65 - 1.

No one shall be sentenced to death.

## TITLE IX **The High Court**

#### ARTICLE 66

The President of the Republic shall incur no liability by reason of acts carried out in his official capacity, subject to the provisions of Articles 52-2 and 67 hereof. Throughout his term of office, the President shall not be required to testify before any Court of law or Administrative authority and shall not be the object of any civil proceedings, nor of any preferring of charges, prosecution or investigatory measures. All limitation periods shall be suspended for the duration of said term of office. All actions and proceedings thus stayed may be reactivated or brought against the President two after the end of his term of office.

#### ARTICLE 67

The President of the Republic shall not be removed from office during the term thereof on any grounds other than a breach of his duties patently incompatible with his continuing in office. Such removal from office shall be proclaimed by Parliament sitting as the High Court. The proposal to convene the High Court adopted by the Parliament. The High Court shall be presided over by the Speaker of Parliament. It shall give its ruling as to the removal from office of the President, by secret ballot, within three days. Its decision shall have immediate effect. Rulings given hereunder shall require a majority of two thirds of the members of the Parliament. No proxy voting shall be allowed. Only votes in favor of the removal from office or the convening of the High Court shall be counted. An Institutional Act shall determine the conditions for the application hereof.

## TITLE X

# On the Criminal Liability of The Government

### ARTICLE 68-1.

Members of the Government shall be criminally liable for acts performed in the holding of their office and classified as serious crimes or other major offences at the time they were committed. They shall be tried by the High Court of the Republic. The High Court of the Republic shall be bound by such definition of serious crimes and other major offences and such determination of penalties as are laid down by statute.

### ARTICLE 68-2

The provisions of this title shall apply to acts committed before its entry into force.

## TITLE XI

# The Defender of Rights

### ARTICLE 69.

The Defender of Rights shall ensure the due respect of rights and freedoms by state administrations, public legal entities, as well as by all bodies carrying out a public service mission or by those that the Institutional Act decides fall within his remit. Referral may be made to the Defender of Rights, in the manner determined by an Institutional Act, by every person who considers his rights to have been infringed by the operation of a public service or of a body mentioned in the first paragraph. He may act without referral. The Institutional Act shall set down the mechanisms for action and the powers of the Defender of Rights. It shall determine the manner in which he may be assisted by third parties in the exercise of certain of his powers. The Defender of Rights shall be appointed by the President of the Republic for a one-month, non-renewable term, after the application of the procedure provided for in the last paragraph of article 13. This position is incompatible with membership of the Government or membership of Parliament. Other incompatibilities shall be determined by the Institutional Act. The Defender of Rights is accountable for his actions to the President of the Republic and to Parliament.

# TITLE XI

## On Amendments to The Constitution

### ARTICLE 70.

The President of the Republic, on the recommendation of the Prime Minister, and Members of Parliament alike shall have the right to initiate amendments to the Constitution. A Government or a Private Member's Bill to amend the Constitution must be considered within the time limits set down in the third paragraph of article 42. The amendment shall take effect after approval by referendum. However, a Government Bill to amend the Constitution shall not be submitted to referendum where the President of the Republic decides to submit it to Parliament convened in Congress; the Government Bill to amend the Constitution shall then be approved only if it is passed by a three-fifths majority of the votes cast. No amendment procedure shall be commenced or continued where the integrity of national territory is placed in jeopardy. The republican form of government shall not be the object of any amendment.