

# THE CONSTITUTION OF ROMANIA

## TITLE III

### PUBLIC AUTHORITIES

#### CHAPTER I

#### PARLIAMENT

#### SECTION 1

#### ORGANISATION AND FUNCTIONING

#### ROLE AND STRUCTURE

#### ARTICLE 61

(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.

#### ELECTION OF THE CHAMBERS

#### ARTICLE 62

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

(2) Organizations of citizens belonging to national minorities, which did not obtain the number of votes required for their parliamentary representation, are entitled to a Deputy seat, one for each, as determined by the election law. Citizens of one and the same national minority may be represented by one single organisation.

(3) The number of Deputies and Senators is established under the election law, in proportion to Romania's overall population.

#### LENGTH OF OFFICE

#### ARTICLE 63

(1) The Chamber of Deputies and the Senate are elected for a term of office of 4 years, and such will extend as of right in the event of mobilization, war, siege, or emergency, until the event has come to an end.

(2) Elections for the Chamber of Deputies and the Senate shall be held within 3 months from expiration of the term of office or Parliament dissolution.

(3) The newly elected Parliament meets upon calling by the President of Romania, within 20 days after elections.

(4) The Chambers' term of office will extend until the new Parliament has lawfully convened. It shall be not allowed to revise the Constitution, nor to enact, amend, or repeal organic laws all through this period.

(5) Bills or legislative proposals pending on the order of business of the preceding Parliament are continued to the new Parliament's session.

## ORGANISATIONAL STRUCTURE

### ARTICLE 64

(1) Each Chamber is organized and functions as set forth in its own Standing Orders. The Chambers' financial resources are provided for in the budgets approved by them.

(2) Each Chamber elects a Standing Bureau. The President of the Chamber of Deputies and the President of the Senate are elected for the duration of the Chambers' term of office. The other members of the Standing Bureau are elected at the opening of each session. Membership of the Standing Bureau may be withdrawn before expiration of the term of office.

(3) Deputies and Senators may constitute themselves into parliamentary groups, according to the Standing Orders of each Chamber.

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

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

## SITTINGS OF THE CHAMBERS

### ARTICLE 65

(1) The Chamber of Deputies and the Senate meet in separate sittings.

(2) Chambers can also meet in a joint session, based on the regulations passed by a majority vote of all Deputies and Senators, in order to:

- a) receive a message from the President of Romania;
- b) approve the State budget and the State social security budget;
- c) declare general or partial mobilization;
- d) declare a state of war;
- e) suspend or terminate armed hostilities;
- f) approve the national strategy of homeland defence;
- g) examine reports by the Supreme Council of National Defence;

- h) appoint the directors of intelligence services, on the proposal of the President of Romania, and to exercise oversight of the activity of these services;
- i) appoint the Advocate of the People;
- j) establish the legal status of Deputies and Senators, their emoluments and other rights;
- k) discharge other prerogatives which, in accordance with the Constitution or Standing Orders, are exercised in a joint session.

## SESSIONS

### ARTICLE 66

- (1) The Chamber of Deputies and the Senate meet in two ordinary sessions in every year. The first session begins in February and cannot extend beyond the end of June. The second session begins in September and cannot extend beyond the end of December.
- (2) The Chamber of Deputies and the Senate can also meet in extraordinary sessions, at the request of the President of Romania, the Standing Bureau of each Chamber, or at least one third of all Deputies or all Senators.
- (3) Each Chamber is convened by its President.

## ACTS OF PARLIAMENT AND QUORUM

### ARTICLE 67

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

## PUBLIC SITTINGS

### ARTICLE 68

- (1) The Chambers' sittings are public.
- (2) The Chambers may decide that certain sittings be closed to the public.

## SECTION 2

### THE STATUS OF DEPUTIES AND SENATORS

#### REPRESENTATIVE MANDATE

### ARTICLE 69

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

## TERM OF OFFICE OF DEPUTIES AND SENATORS

## ARTICLE 70

(1) Deputies and Senators will enter on the exercise of their office upon the lawful convention of the Chamber whose members they are, provided that credentials are validated and the oath is taken. The form of oath is established by an organic law.

(2) The capacity as a Deputy or Senator ceases when the newly elected Chambers have lawfully convened, or in case of resignation, disenfranchisement, incompatibility, or death.

## INCOMPATIBILITIES

### ARTICLE 71

(1) No one may be a Deputy and a Senator at one and the same time.

(2) The capacity to sit as a Deputy or Senator is incompatible with the exercise of any public office in authority, except that of a Member of the Government.

(3) Other incompatibilities are established by an organic law.

## PARLIAMENTARY IMMUNITY

### ARTICLE 72

(1) No Deputy or Senator shall be held legally responsible for any vote cast or political opinion expressed in the exercise of his office.

(2) Deputies and Senators may be object to criminal prosecution or sent to trial for actions which are not related with votes or political opinions expressed in the exercise of their office, but they shall not be searched, detained or arrested without consent from the Chamber whose members they are, after being duly heard. Prosecution and indictment may only be carried out by the Prosecution Office attached to the High Court of Cassation and Justice. Jurisdiction shall rest in the High Court of Cassation and Justice.

(3) In case of a crime committed in flagrante delicto, a Deputy or a Senator may be taken into temporary custody and searched. The Ministry of Justice shall forthwith inform the President of the Chamber on such custody and search. Where the Chamber concerned finds no reasons for detainment, it shall order that the measure be cancelled out at once.

## SECTION 3

### LEGISLATION AND PROCEDURE

#### CLASSES OF LAWS

### ARTICLE 73

(1) Parliament enacts constitutional, organic, and ordinary laws.

(2) Constitutional laws shall be those pertaining to a revision of the Constitution.

(3) By organic laws it shall be regulated:

- a) the electoral system; organisation and functioning of the Permanent Election Authority;
- b) organisation, functioning, and financing of political parties;
- c) the status of Deputies and Senators, their emoluments and other rights;
- d) organisation and holding of a referendum;
- e) organisation of the Government and of the Supreme Council of National Defence;
- f) the state of partial or total mobilization of the armed forces and the state of war;
- g) the state of siege and emergency;
- h) criminal offences, punishments and execution of the punishments;
- i) granting of amnesty or collective pardon;
- j) the status of civil servants;
- k) judicial review of administrative action;
- l) organisation and functioning of the Superior Council of Magistracy, the courts of law, the Public Ministry, and the Court of Audit;
- m) the general legal status of property and inheritance;
- n) general organisation of the education system;
- o) organisation of local public administration, territory, as well as general rules on local autonomy;
- p) general rules on labour relations, trade unions, employers' associations, and social protection;
- r) the status of national minorities in Romania;
- s) general statutory rules of religious cults;
- t) other fields for which the Constitution sets forth the enactment of organic laws.

## LEGISLATIVE INITIATIVE

### ARTICLE 74

(1) An initiative for passing legislation shall lie, as the case may be, with the Government, Deputies, Senators, or at least 100,000 citizens holding the right to vote. The citizens who put into action their right to initiate legislation must belong to at least one quarter of the Country's counties, while, in each of those counties or in the

Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative.

(2) A citizens' legislative initiative may not touch on matters concerning taxation, international affairs, amnesty or pardon.

(3) The Government shall exercise its legislative initiative by introducing bills to the Chamber which is competent for approval, this one being the primary Chamber referred to.

(4) Deputies, Senators and citizens exercising the right of legislative initiative may move proposals only in the form required for a bill.

(5) Legislative proposals shall be first submitted for debate to the Chamber which is competent for approval, as the primary Chamber referred to.

## REFERRAL TO THE CHAMBERS

### ARTICLE 75

(1) The Chamber of Deputies, as the primary Chamber which is referred to, shall take up for debate and approval any bill or legislative proposal on ratification of treaties or other international agreements and on legislative measures as may arise from the implementation of such treaties and agreements, as well as bills for the organic laws provided under Article 31 paragraph (5), Article 40 paragraph (3), Article 55 paragraph (2), Article 58 paragraph (3), Article 73 paragraph (3) subparagraphs e), k), l), n), o), Article 79 paragraph (2), Article 102 paragraph (3), Article 105 paragraph (2), Article 117 paragraph (3), Article 118 paragraphs (2) and (3), Article 120 paragraph (2), Article 126 paragraphs (4) and (5), and Article 142 paragraph (5). Any other bills or legislative proposals shall be submitted for debate and approval to the Senate, as the primary Chamber which is referred to.

(2) The primary Chamber thus referred shall decide within 45 days. Where codes and other particularly complex laws are entertained, the time-limit is 60 days. In case such limits are surpassed, bills or legislative proposals shall be deemed as having been passed.

(3) Once a bill or legislative proposal is passed by the primary Chamber which has been referred to, the same is sent to the other Chamber whose decision shall be final.

(4) Should the primary Chamber adopt some provision which falls under its competency of decision as defined subject to paragraph (1), the provision shall be finally passed only if the other Chamber gives consent. The bill shall otherwise be returned, in respect of that provision alone, to the primary Chamber, and that one shall finally decide in an urgency procedure.

(5) The provisions under paragraph (4) concerning return of a bill shall also apply accordingly if the next deciding Chamber should adopt some provision in whose respect the competency to decide is vested in the primary Chamber.

## PASSING OF BILLS AND RESOLUTIONS

### ARTICLE 76

- (1) Organic laws and resolutions concerning the Standing Orders of each Chamber shall be passed by a majority vote of its members.
- (2) Ordinary laws and resolutions shall be passed by a majority vote of the members present in each Chamber.
- (3) At the request of the Government or on its own motion, Parliament may pass bills or legislative proposals in an urgency procedure, established in accordance with the Standing Orders of each Chamber.

## PROMULGATION OF LAWS

### ARTICLE 77

- (1) Any law shall be forwarded for promulgation to the President of Romania. Promulgation shall be given within 20 days from receipt of the law.
- (2) Before signing in, the President of Romania may return a law to Parliament for reconsideration, and he may do so only once.
- (3) Where the President may have requested reconsideration of a law or where such may have been subjected to a constitutionality review, promulgation shall follow within 10 days from receipt of the law as is passed after reconsideration, or from receipt of the decision ruled by the Constitutional Court acknowledging its constitutionality.

## COMING INTO FORCE OF LAWS

### ARTICLE 78

The law shall be published in the Official Gazette of Romania; it shall take effect on the third day after the date of publication or at a later instant as is specified therein.

## LEGISLATIVE COUNCIL

### ARTICLE 79

- (1) The Legislative Council is a specialized consultative organ of Parliament that gives advice on draft normative acts with a view to the systematic unification and coordination of the whole body of laws. It shall keep the official record of Romania's legislation.
- (2) The setting up, organisation and functioning of the Legislative Council shall be established by an organic law.