

LAW
for the revision of the Constitution of Romania*

Article I. - The Constitution of Romania, published in the Official Gazette of Romania, Part I, no. 233 of 21 November 1991, approved through the national referendum of 8 December 1991, shall be amended and completed as follows:

1. Article 1 shall be amended and completed as follows:

Paragraph (3) shall be amended and shall have the following wording:

"(3) Romania is a democratic and social state, governed by the rule of law, in which human dignity, the citizen's rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and shall be guaranteed."

After paragraph (3) two new paragraphs, (4) and (5), shall be inserted, with the following wording:

"(4) The State shall be organised based on the principle of the separation and balance of powers - legislative, executive, and judicial - within the framework of constitutional democracy.

(5) In Romania, the observance of the Constitution, its supremacy and the laws shall be mandatory."

2. Paragraph (1) of article 2 shall be amended and shall have the following wording:

"(1) The national sovereignty shall reside within the Romanian people, that shall exercise it by means of their representative bodies, resulting from free, periodical and fair elections, as well as by referendum."

3. Paragraph (1) of article 4 shall be amended and shall have the following wording:

"(1) The State foundation is laid on the unity of the Romanian people and the solidarity of their citizens."

4. Article 9 shall be amended as follows:

The article denomination shall be as follows: "Trade unions, employers' associations, and vocational associations"

The wording of the article shall be as follows:

"Article 9

Trade unions, employers' associations, and vocational associations shall be established and shall carry out their activity according to their statutes, according to the law. They shall contribute to the protection of rights and the

* The Law for the revision of the Constitution of Romania was published in the Official Gazette of Romania no. 669 of 22 September 2003. The Constitutional Court pronounced on the constitutionality of the Law for the revision of the Constitution of Romania by the Decision No. 356/2003, published in the Official Gazette of Romania, Part I, No. 686 of 30 September 2003.

promotion of their members' vocational, economic, and social interests."

5. Under article 11, a new paragraph, (3), shall be inserted, with the following wording:

"(3) If a treaty Romania is to become a party to comprises provisions contrary to the Constitution, its ratification shall only take place after the revision of the Constitution."

6. Paragraph (2) of article 15 shall be amended and shall have the following wording:

"(2) The law shall only act for the future, except for the more favourable criminal or administrative law."

7. Article 16 shall be amended and completed as follows:

Paragraph (3) shall be amended and shall have the following wording:

"(3) Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities."

After paragraph (3), a new paragraph, (4), shall be inserted, with the following wording:

"(4) After Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected in the local public administration bodies."

8. After paragraph (1) of article 19, a new paragraph, (1¹), shall be inserted, with the following wording:

"(1¹) By derogation from the provisions of paragraph (1), Romanian citizens can be extradited based on the international agreements Romania is a party to, according to the law and on a mutual basis."

9. Paragraph (2) of article 20 shall be amended and shall have the following wording:

"(2) Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party of, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions."

10. Under article 21, two new paragraphs, (3) and (4), shall be inserted, with the following wording:

"(3) All parties shall be entitled to a fair trial and a solution of their causes within a reasonable term.

"(4) Administrative special jurisdictions are elective and free of charge."

11. Article 23 shall be amended and completed as follows:

Paragraph (4) shall be amended and shall have the following wording:

"(4) Preventive custody shall be ordered by a judge and only in the course of criminal proceedings."

After paragraph (4), three new paragraphs, (4¹), (4²), and (4³), shall be inserted, with the following wording:

"(4¹) During the criminal proceedings, the preventive custody may only be ordered for 30 days at the most and extended for 30 days at the most each, without the overall length exceeding a reasonable term, and no longer than 180 days.

(4²) After the lawsuit has begun, the court is bound, according to the law, to check, on a regular basis and no later than 60 days, the lawfulness and grounds of the preventive custody, and to order at once the release of the defendant if the grounds for the preventive custody have ceased to exist or if the court finds there are no new grounds justifying the continuance of the custody.

(4³) The decisions by a court of law on preventive custody may be subject to the legal proceedings stipulated by the law."

Paragraph (6) shall be modified and shall have the following wording:

"(6) The release of a detained or arrested person shall be mandatory if the reasons for such steps have ceased to exist, as well as under other circumstances stipulated by the law."

After paragraph (9), a new paragraph, (9¹), shall be inserted, with the following wording:

"(9¹) The freedom deprivation sanction can only be based on criminal grounds."

12. Article 27 shall be amended as follows:

Paragraph (2) shall have the following wording:

"(2) A derogation from the provisions of paragraph (1) can operate, according to the law, for the following instances:

a) for carrying into execution a warrant for arrest or a court decree;

b) for removing a risk to someone's life, physical integrity, or a person's assets;

c) for defending national security or public order;

d) for preventing the spread of an epidemic.

Paragraph (3) shall have the following wording:

"(3) Searches shall only be ordered by a judge and carried out under the terms and forms stipulated by the law."

Paragraph (4) shall have the following wording:

"(4) Searches during night time shall be forbidden, except for crimes in *flagrante delicto*."

13. Paragraph (3) of article 31 shall be amended and shall have the following wording:

"(3) The right to information shall not be prejudicial to the measures of protection of young people or national security."

14. Article 32 shall be amended as follows:

Paragraph (4) shall have the following wording:

"(4) State education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from disadvantaged families and to those institutionalised, as stipulated by the law".

Paragraph (5) shall have the following wording:

"(5) Education at all levels shall take place in state, private, or confessional institutions, according to the law."

15. After article 32, a new article, 32¹, shall be inserted, with the following wording:

The article denomination shall be as follows: "Access to culture"

The wording of the article shall be as follows:

"Article 32¹

(1) The access to culture is guaranteed under the law.

(2) A person's freedom to develop his/her spirituality and to get access to the values of national and universal culture shall not be limited.

(3) The State must make sure that spiritual identity is preserved, national culture is supported, arts are stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world."

16. After article 33, a new article, 33¹, shall be inserted, with the following wording:

The article denomination shall be: "Right to a healthy environment"

The wording of the article shall be as follows:

"Article 33¹

(1) The State shall acknowledge the right of every person to a healthy, well preserved and balanced environment.

(2) The State shall provide the legislative framework for the exercise of such right.

(3) Natural and legal entities shall be bound to protect and improve the environment."

17. Paragraph (2) of article 35 shall be amended and shall have the following wording:

"(2) Candidates must have turned, up to or on the election day, the age of at least 23 years in order to be elected for the Chamber of Deputies or the bodies of local public administration, the age of at least 33 years in order to be elected for the Senate, and the age of at least 35 years in order to be elected for the office of President of Romania.

18. After article 35, a new article, 35¹, shall be inserted, with the following wording:

The article denomination shall be: "Right to be elected for the European Parliament"

The wording of the article shall be as follows:

"Article 35¹

After Romania's accession to the European Union, Romanian citizens shall have the right to elect and be elected for the European Parliament."

19. Paragraph (1) of article 37 shall be amended and shall have the following wording:

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

20. Paragraphs (1) and (2) of article 38 shall be amended, and shall have the following wording:

"(1) The right to work shall not be restricted. Everyone has a free choice of his/her profession, trade or occupation, as well as work place.

(2) All employees have the right to measures of social protection. These concern employees' safety and health, working conditions for women and young people, the setting up of a minimum gross salary per economy, weekends, paid rest leave, work performed under difficult and special conditions, as well as other specific conditions, as stipulated by the law."

21. Under paragraph (2) of article 39, letter a) shall have the following wording:

"a) activities of doing the military service as well as activities performed in lieu thereof, according to the law, due to religious or conscience-related reasons;"

22. Article 41 shall be amended and completed as follows:

The article denomination shall be as follows: "Right to private property"

Paragraph (2) shall be amended and shall have the following wording:

"(2) Private property shall be equally guaranteed and protected by the law, irrespective of its owner. Foreign and stateless persons shall only acquire the right to private property of land under the terms resulting from Romania's accession to the European Union and other international treaties Romania is a party to, on a mutual basis, under the terms stipulated by an organic law, as well as a result of lawful inheritance."

After paragraph (3), a new paragraph, (3¹), shall be inserted, with the following wording:

"(3¹) The nationalisation or any other measures of forcible transfer of assets to public property based on the owners' social, ethnic, religious, political, or other discriminatory features."

23. After article 41, a new article, 41¹, shall be inserted, with the following wording:

The article denomination shall be as follows: "Economic freedom"

The wording of the article shall be as follows:

"Article 41¹

Free access of persons to an economic activity, free enterprise, and their exercise under the law shall be guaranteed."

24. Paragraph (2) of article 43 shall be amended and shall have the following wording:

"(2) Citizens have the right to pensions, paid maternity leave, medical care in public health centres, unemployment benefits, and other forms of public or private social securities, as stipulated by the law. Citizens have the right to social assistance, according to the law."

25. Paragraph (2) of article 45 shall be amended and shall have the following wording:

"(2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law."

26. Article 46 shall be amended and shall have the following wording:

The article denomination shall be as follows: "Protection of disabled persons"

The wording of the article shall be as follows:

"Article 46

Disabled persons shall enjoy special protection. The State shall provide the accomplishment of a national policy of equal opportunities, disability prevention and treatment, so that disabled persons can effectively participate in community life, while observing the rights and duties of their parents or legal guardians."

27. Article 48 shall be amended as follows:

Paragraph (1) shall have the following wording:

"(1) Any person aggrieved in his/her legitimate rights or interests by a public authority, by means of an administrative act or by the failure of a public authority to solve his/her application within the lawful term, is entitled to the acknowledgement of his/her claimed right or legitimate interest, the annulment of the act and reparation for the damage."

Paragraph (3) shall have the following wording:

"(3) The State shall bear patrimony liability for any prejudice caused as a result of judicial errors. The State liability shall be assessed according to the law and shall not eliminate the liability of the magistrates having exercised their mandate in ill will or grave negligence."

28. Article 49 shall be amended and shall have the following wording:

"Article 49

(1) The exercise of certain rights or freedoms may only be restricted by law, and only if necessary, as the case may be, for: the defence of national security, of public order, health, or morals, of the citizens' rights and freedoms; conducting a criminal investigation; preventing the consequences of a natural calamity, disaster, or an extremely severe catastrophe.

(2) Such restriction shall only be ordered if necessary in a democratic society. The measure shall be proportional to the situation having caused it, applied without discrimination, and without infringing on the existence of such right or freedom".

29. Article 51 shall be repealed.

30. Article 52 shall be amended as follows:

Paragraph (2) shall have the following wording:

"(2) The terms for doing the military service shall be set up in an organic law."

Paragraph (3) shall have the following wording:

"(3) Citizens may be conscripted from the age of 20 and up to the age of 35, except for volunteers, under the terms of the applicable organic law."

31. Article 55 shall be amended and shall have the following wording:

"Article 55

(1) The Advocate of the People shall be appointed for a term of office of 5 years, in order to defend the natural persons' rights and freedoms. The Advocate of the People's deputies shall be specialised per fields of activity.

(2) The Advocate of the People and his/her deputies shall not perform any other public or private office, except for teaching positions in higher education.

(3) The organisation and functioning of the Advocate of the People institution shall be regulated by an organic law.

32. Paragraph (1) of article 60 shall be amended and shall have the following wording:

"(1) The Chamber of Deputies and the Senate shall be elected for a term of office of 4 years, which may be extended *de jure* in the event of a mobilisation, war, siege, or emergency, until such event has ceased to exist."

33. Article 62 shall be amended and completed as follows:

The article denomination shall be as follows: "Sessions of the Chambers"

Paragraph (1) shall be amended and shall have the following wording:

"(1) The Chamber of Deputies and the Senate shall meet in separate sessions."

The introductory part of paragraph (2) shall be amended and shall have the following wording:

"(2) The chambers may also meet in joint sessions, based on the regulations passed by a majority vote of the Deputies and Senators, in order:

Point f) of paragraph (2) shall be amended and shall have the following wording:

"f) to approve the national strategy of homeland defence;"

After point f) of paragraph (2), a new point, f¹), shall be inserted, with the following wording:

"f¹) to examine reports of the Supreme Council of National Defence;"

Point g) of paragraph (2) shall be amended and shall have the following wording:

"g) to appoint, based on proposals by the President of Romania, the directors of the intelligence services, and to exercise control over the activity of such services;"

After point g) of paragraph (2), two new points, g¹) and g²), shall be inserted, with the following wording:

"g¹) to appoint the Advocate of the People;

g²) to establish the status of the Deputies and Senators, their emoluments, and other rights;"

34. Paragraph (1) of article 67 shall be amended and shall have the following wording:

"(1) Deputies and Senators shall begin the exercise of their office on the day the Chamber they are members of has lawfully met, on condition the election is validated and the oath is taken. The form of the oath shall be regulated by an organic law."

35. Article 69 shall be amended and completed as follows:

"Article 69

(1) No Deputy or Senator shall be held judicially accountable for the votes cast or the political opinions expressed while exercising their office.

(2) The Deputies and Senators may be subject to criminal investigation, or criminally prosecuted for acts that are not connected with their votes or their political opinions expressed in the exercise of their office, but shall not be searched, detained or arrested without the consent of the chamber they are a part of, after being heard. The investigation and prosecution shall only be carried out by the Public Prosecutor's Office attached to the High Court of Cassation and Justice. The High Court of Cassation and Justice shall have jurisdiction over this case.

(3) If caught in the act, Deputies or Senators may be detained and searched. The Ministry of Justice shall inform without delay the president of the Chamber in question on the detainment and search. If, after being notified, the Chamber in question finds there are no grounds for the detainment, it shall order the annulment of such a measure at once.

36. Article 70 shall be repealed.

37. Article 71 shall be repealed.

38. Paragraph (3) of article 72 shall be amended and shall have the following wording:

"(3) Organic laws shall regulate:

a) the electoral system; the organisation and functioning of the Permanent Electoral Authority;

b) the organisation, functioning, and financing of political parties;

c) the status of Deputies and Senators, the establishment of their emoluments and other rights;

d) the organisation and holding of referendum;
e) the organisation of the Government and of the Supreme Council of National Defence;
f) the state of partial or total mobilisation of the armed forces and the state of war;
g) the state of siege and emergency;
h) criminal offences, penalties, and the execution thereof;
i) the granting of amnesty or collective pardon;
j) the status of public servants;
k) the contentious business falling within the competence of administrative courts;
l) the 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) the general organisation of education;
o) the organisation of local public administration, territory, as well as the general rules on local autonomy;
p) the general rules covering labour relations, trade unions, employers' associations, and social protection;
r) the status of national minorities in Romania;
s) the general statutory rules of religious cults;
t) the other fields for which the Constitution stipulates the enactment of organic laws."

39. Article 73 shall be amended as follows:

Paragraph (1) shall have the following wording:

"(1) A legislative initiative shall lie, as the case may be, with the Government, Deputies, Senators, or a number of at least 100,000 citizens entitled to vote. The citizens who exercise their right to a legislative initiative must belong to at least one quarter of the country's counties, while, in each of those counties or the Municipality of Bucharest, at least 5,000 signatures should be registered in support of such initiative."

Paragraph (3) shall have the following wording:

"(3) The Government shall exercise its legislative initiative by introducing bills to the Chamber having competence for its adoption, as a first notified Chamber."

Paragraph (5) shall have the following wording:

"(5) Legislative proposals shall be first submitted to the chamber having competence for its adoption, as a first notified Chamber."

40. After article 73, a new article, 73¹, shall be inserted, with the following wording:

The article denomination shall be as follows:

"Notification to the Chambers"

The wording of the article shall be as follows:

"Article 73¹

(1) The Chamber of Deputies, as a first notified Chamber, shall debate and adopt the bills and legislative proposals for

the ratification of treaties or other international agreements and the legislative measures deriving from the implementation of such treaties and agreements, as well as bills of the organic laws stipulated under article 31 (5), article 37 (3), article 52 (2), article 55 (3), article 72 (3) e), k), l), n), o), article 79 (2), article 101 (3), article 104 (2), article 116 (3), article 117 (2) and (3), article 119 (2), article 125 (4) and (5), and article 140 (4). The other bills or legislative proposals shall be submitted to the Senate, as a first notified Chamber, for debate and adoption.

(2) The first notified Chamber shall pronounce within 45 days. For codes and other extremely complex laws, the term will be 60 days. If such terms are exceeded, it shall be deemed that the bill or legislative proposal has been adopted.

(3) After the first notified Chamber adopts or repeals it, the bill or legislative proposal shall be sent to the other Chamber, which will make a final decision.

(4) In the event the first notified Chamber adopts a provision which, under paragraph (1), belongs to its decision-making competence, the provision is adopted as final if the other Chamber also adopts it. Otherwise, for the provision in question only, the bill shall be returned to the first notified Chamber, which will make a final decision in an emergency procedure.

(5) The provisions of paragraph (4) concerning the bill being returned shall also apply accordingly if the decision-making Chamber should adopt a provision for which the decision-making competence belongs to the first Chamber."

41. Article 75 shall be repealed.

42. Article 76 shall be repealed.

43. Article 78 shall be amended and shall have the following wording:

"Article 78

The law shall be published in the Official Gazette of Romania and come into force 3 days after its publication date, or on a subsequent date stipulated in its text."

44. Paragraph (1) of article 83 shall be amended and shall have the following wording:

"(1) The term of office of the President of Romania is five years, being exercised from the date the oath was taken."

45. Article 84 shall be amended as follows:

Paragraph (2) shall be amended and shall have the following wording:

"(2) The President of Romania shall enjoy immunity. The provisions of article 69 (1) shall apply accordingly."

Paragraph (3) shall be repealed.

46. Under article 85, a new paragraph, (3), shall be inserted, with the following wording:

"(3) If, through the reshuffle proposal, the political structure or composition of the Government is changed, the President of Romania shall only be entitled to exercise the

power stipulated under paragraph (2) based on the Parliament's approval, granted following the proposal by the Prime Minister."

47. Paragraph (3) of article 89 shall be amended and shall have the following wording:

"(3) The Parliament cannot be dissolved during the last six months of the term of office of the President of Romania, or during a state of mobilisation, war, siege, or emergency."

48. Paragraph (1) of article 91 shall be amended and shall have the following wording:

"(1) The President shall, in the name of Romania, conclude international treaties negotiated by the Government, and then submit them to the Parliament for ratification, within a reasonable term. The other treaties and international agreements shall be concluded, approved, or ratified according to the procedure set up by law."

49. After paragraph (3) of article 92, a new paragraph, (4), shall be inserted, with the following wording:

"(4) In the event of mobilisation or war, the Parliament shall pursue its activity throughout the length of such states, and, if not in session already, it shall be *de jure* convened within 24 hours after such a state has been declared."

50. Paragraph (1) of article 93 shall be amended and shall have the following wording:

"(1) The President of Romania shall, according to the law, institute the state of siege or state of emergency in the entire country or in some territorial-administrative units, and ask for the Parliament's approval for the measure adopted, within 5 days of the date of taking it, at the latest."

51. After article 95, a new article, 95¹, shall be inserted, with the following wording:

The article denomination shall be as follows:
"Impeachment"

The wording of the article shall be as follows:

"Article 95¹

(1) The Chamber of Deputies and the Senate may decide the impeachment of the President of Romania for high treason, in a joint session, based on the votes of at least two thirds of the number of deputies and senators.

(2) The impeachment proposal may be initiated by a majority of deputies and senators and shall, without further delay, be notified to the President of Romania, so that he can give explanations about the facts he is being held accountable for.

(3) From the impeachment date and up to the dismissal date, the President is under *de jure* suspension.

(4) The jurisdiction for judging such cases shall belong to the High Court of Cassation and Justice. The President shall be dismissed *de jure* on the date the court decree impeaching him is final."

52. Article 106 shall be amended as follows:

After paragraph (1), a new paragraph, (1¹), shall be inserted, with the following wording:

"(1¹) The President of Romania cannot dismiss the Prime Minister."

Paragraph (2) shall have the following wording:

"(2) If the Prime Minister finds himself in one of the situations stipulated under article 105, except for him being dismissed, or if it is impossible for him to exercise his powers, the President of Romania shall designate another member of the Government as interim Prime Minister, in order to carry out the powers of the Prime Minister, until a new Government is formed. The interim, during the Prime Minister's impossibility to exercise the powers of the said office, shall cease if the Prime Minister resumes his activity within the Government."

53. Paragraph (2) of article 109 shall have the following wording:

"(2) The Government shall be dismissed on the date the Parliament withdraws the confidence granted to it, or if the Prime Minister finds himself in one of the situations stipulated under article 105, except for him being dismissed, or in case of his impossibility to exercise his powers for more than 45 days."

54. Article 111 shall be amended and completed as follows:

The article denomination shall be as follows: "Questions, interpellations, and simple motions"

The wording of the article shall be as follows:

"Article 111

(1) The Government and each of its members shall be bound to answer the questions or interpellations raised by the deputies or senators, under the terms stipulated by the regulations of the two Chambers of the Parliament.

(2) The Chamber of Deputies or the Senate may carry a simple motion expressing their position as to a matter of domestic or foreign policy, or, as the case may be, a matter having been the subject of an interpellation."

55. Paragraph (3) of article 113 shall be amended and shall have the following wording:

"(3) If the Government has not been dismissed according to paragraph (2), the bill presented, amended, or completed, as the case may be, with the amendments accepted by the Government, shall be deemed as passed, and the implementation of the programme or general policy statement shall become binding on the Government."

56. Article 114 shall be amended and completed as follows:

Paragraph (4) shall be amended and shall have the following wording:

"(4) The Government can only adopt emergency ordinances in exceptional cases, the regulation of which cannot be postponed, and have the obligation to give the reasons for their emergency status within their contents."

After paragraph (4), two new paragraphs, (4¹) and (4²), shall be inserted, with the following wording:

"(4¹) An emergency ordinance shall only come into force after it has been submitted for debate in an emergency procedure to the Chamber having the competence to be notified, and after it has been published in the Official Gazette of Romania. If not in session, the Chambers shall be convened by all means within 5 days after submittal, or, as the case may be, after forwarding. If, within 30 days at the latest of the submittal date, the notified Chamber does not pronounce on the ordinance, the latter shall be deemed adopted and shall be sent to the other Chamber, which shall also make a decision in an emergency procedure. An emergency ordinance containing norms of the same kind as the organic law must be approved by a majority stipulated under article 74 (1).

(4²) Emergency ordinances cannot be adopted in the field of constitutional laws, or affect the status of fundamental institutions of the State, the rights, freedoms and duties stipulated in the Constitution, the electoral rights, and cannot establish steps for transferring assets to public property forcibly."

Paragraph (5) shall be amended and shall have the following wording:

"(5) The ordinances the Parliament has been notified about shall be approved or rejected in a law which must also contain the ordinance that ceased to be effective according to paragraph (3)."

After paragraph (5), a new paragraph, (5¹), shall be inserted, with the following wording:

"(5¹) The law approving or rejecting an ordinance shall regulate, if the case may be, the necessary steps concerning the legal effects caused during the time the ordinance was in force."

57. Article 117 shall be amended as follows:

Paragraph (1) shall have the following wording:

"(1) The Army shall be exclusively subordinated to the people's will, in order to guarantee the sovereignty, independence and unity of the State, the country's territorial integrity, and the constitutional democracy. Under the law and the international treaties Romania is a party to, the Army shall contribute to collective defence in military alliance systems, and participate in peace keeping or peace restoring missions."

Paragraph (2) shall have the following wording:

"(2) The structure of the national defence system, the preparation of the population, economy and territory for

defence, as well as the status of the military shall be regulated by an organic law."

Paragraph (3) shall have the following wording:

"(3) The provisions of paragraphs (1) and (2) shall apply accordingly to the other components of the Armed Forces established according to the law."

Paragraph (5) shall have the following wording:

"(5) Foreign troops can only enter, station, carry out operations, or pass through the Romanian territory under the terms of the law or the international treaties Romania is a party to."

58. Article 118 shall be amended and shall have the following wording:

"Article 118

The Supreme Council of National Defence shall unitarily organise and co-ordinate the activities concerning the country's defence and security, its participation in international security keeping, and in collective defence in military alliance systems, as well as in peace keeping or restoring missions."

59. Article 119 shall be amended and shall have the following wording:

"Article 119

(1) The public administration in territorial-administrative units shall be based on the principles of decentralisation, local autonomy, and deconcentration of public services."

(2) In the territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority's language in the relations with the local public administration authorities and the decentralised public services, under the terms stipulated by the organic law."

60. Article 122 shall be amended and completed as follows:

Paragraphs (1), (2), and (3) shall have the following wording:

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

(2) The prefect is the representative of the Government at a local level and shall direct the decentralised public services of ministries and other bodies of the central public administration in the territorial-administrative units.

(3) The powers of the prefect shall be established by an organic law."

After paragraph (3), a new paragraph, (3¹), shall be inserted, with the following wording:

"(3¹) Between the prefects, on the one hand, the local councils and the mayors, as well as the county councils and

their presidents, on the other hand, there are no subordination relationships."

61. After paragraph (1) of article 123 a new paragraph, (1¹), shall be inserted, with the following wording:

"(1¹) Justice shall be one, impartial, and equal for all."

62. Article 124 shall be amended and completed as follows:

Paragraph (1) shall be amended and shall have the following wording:

"(1) The judges appointed by the President of Romania shall be irremovable, according to the law."

After paragraph (1), a new paragraph, (1¹), shall be inserted, with the following wording:

"(1¹) The appointment proposals, as well as the promotion, transfer of, and sanctions against judges shall only be within the competence of the Superior Council of Magistracy, under the terms of its organic law."

63. Article 125 shall be amended and shall have the following wording:

"Article 125

(1) Justice shall be administered by the High Court of Cassation and Justice, and the other courts of law set up by the law.

(2) The jurisdiction of the courts of law and the judging procedure shall only be stipulated by law.

(3) The High Court of Cassation and Justice shall provide a unitary interpretation and implementation of the law by the other courts of law, according to its competence.

(4) The composition of the High Court of Cassation and Justice, and the regulations for its functioning shall be set up in an organic law.

(5) It is prohibited to establish extraordinary courts of law. By means of an organic law, courts of law specialised in certain matters may be set up, allowing the participation, as the case may be, of persons outside magistracy.

(6) The judicial control of administrative acts of the public authorities, by way of the contentious business falling within the competence of administrative courts, is guaranteed, except for those regarding relations with the Parliament, as well as the military command acts. The administrative courts judging contentious business have the jurisdiction to solve the applications filed by persons aggrieved by statutory orders or, as the case may be, by provisions in statutory orders declared unconstitutional."

64. Article 127 shall be amended and completed as follows:

The article denomination shall be as follows: "Use of mother tongue and interpreters in court"

Paragraph (2) shall be amended and shall have the following wording:

"(2) Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law, under the terms of the organic law."

After paragraph (2) two new paragraphs, (3) and (4), shall be inserted, with the following wording:

"(3) The ways for exercising the right stipulated under paragraph (2), including the use of interpreters or translations, shall be stipulated so as not to hinder the proper administration of justice and not to involve additional expenses to those interested.

(4) Foreign citizens and stateless persons who do not understand or do not speak the Romanian language shall be entitled to take cognisance of all the file papers and proceedings, to speak in court and draw conclusions, by means of an interpreter; in criminal law suits, this right is ensured free of charge."

65. Under article 130, a new paragraph, (3), shall be inserted, with the following wording:

"(3) The public prosecutor's offices attached to courts of law shall direct and supervise the criminal investigation activity of the police, according to the law."

66. Article 132 shall be amended as follows:

The article denomination shall be as follows: "Role and structure"

The wording of the article shall be as follows:

"Article 132

(1) The Superior Council of Magistracy shall guarantee the independence of justice.

(2) The Superior Council of Magistracy shall be comprised of 19 members, of whom:

a) 14 are elected in the general meetings of the magistrates, and validated by the Senate; they shall belong to two sections, one for judges and one for public prosecutors; the first is comprised of 9 judges, and the second of 5 public prosecutors;

b) 2 representatives of the civil society, specialists in law, who enjoy a good professional and moral reputation, elected by the Senate; these shall only participate in plenary proceedings;

c) the minister of justice, the president of the High Court of Cassation and Justice, and the general public prosecutor of the Public Prosecutor's Office attached to the High Court of Cassation and Justice.

(3) The president of the Superior Council of Magistracy shall be elected for one year's term of office, which cannot be renewed, from among the magistrates listed under paragraph (2) a).

(4) The length of the term of office of the Superior Council of Magistracy members shall be 6 years.

(5) The Superior Council of Magistracy shall make decisions by secret vote.

(6) The President of Romania shall preside over the proceedings of the Superior Council of Magistracy he takes part in.

(7) Decisions by the Superior Council of Magistracy shall be final and irrevocable, except for those stipulated under article 133 (2)."

67. Article 133 shall be amended and shall have the following wording:

"Article 133

(1) The Superior Council of Magistracy shall propose to the President of Romania the appointment of judges and public prosecutors, except for the trainees, according to the law.

(2) The Superior Council of Magistracy shall perform the role of a court of law, by means of its sections, as regards the disciplinary liability of judges and public prosecutors, based on the procedures set up by its organic law. In such cases, the minister of justice, the president of the High Court of Cassation and Justice, and the general public prosecutor of the Public Prosecutor's Office attached to the High Court of Cassation and Justice shall not be entitled to vote.

(3) Decisions by the Superior Council of Magistracy as regards discipline may be contested before the High Court of Cassation and Justice.

(4) The Superior Council of Magistracy shall also perform other duties stipulated by its organic law, in order to accomplish its role of guarantor for the independence of justice."

68. Article 134 shall be amended and completed as follows:

Paragraph (1) shall be amended and shall have the following wording:

"(1) Romania's economy is a free market economy, based on free enterprise and competition."

Point c) of paragraph (2) shall have the following wording:

"c) stimulation of national scientific and technological research, arts, and protection of copyright;"

Under paragraph (2), a new point, g), shall be inserted, with the following wording:

"g) implementation of regional development policies in compliance with the objectives of the European Union."

69. Article 135 shall be amended and shall have the following wording:

"Article 135

(1) Property is public or private.

(2) Public property is guaranteed and protected by the law, and belongs to the State or to territorial-administrative units.

(3) The mineral resources of public interest, the air, the waters with energy potential that can be used for national

interests, the beaches, the territorial sea, the natural resources of the economic zone and the continental shelf, as well as other possessions established by the organic law, shall be public property exclusively.

(4) Public property is inalienable. Under the terms of the organic law, the public property can be managed by autonomous régies or public institutions, or can be granted or leased; also, it can be transferred for free usage to public utility institutions.

(5) Private property is inviolable, in accordance with the organic law."

70. Paragraph (2) of article 136 shall be completed, at the end, as follows:

"under the circumstances of Romania's accession to the European Union, the circulation and replacement of the national currency by that of the European Union may be acknowledged, by means of an organic law."

71. Article 138 shall be amended and completed as follows:

The article denomination shall be as follows: "Taxes, duties, and other contributions"

After paragraph (2), a new paragraph, (3), shall be inserted, with the following wording:

(3) The sums representing contributions to the establishment of funds shall only be used, according to the law, for their actual purpose."

72. Article 139 shall be amended and completed as follows:

Paragraph (1) shall be amended and shall have the following wording:

"(1) The Court of Audit shall exercise control over the formation, administration, and use of the financial resources of the State and public sector. Under the terms of the organic law, the disputes resulting from the activity of the Court of Audit shall be solved by specialised courts of law."

Paragraph (4) shall be amended and shall have the following wording:

"(4) Audit advisers shall be appointed by the Parliament for a term of office of 9 years, which cannot be extended or renewed. Members of the Court of Audit shall be independent in exercising their term of office and irremovable throughout its duration. They shall be subject to the incompatibilities the law stipulates for judges."

After paragraph (4), two new paragraphs, (5) and (6), shall be inserted, with the following wording:

"(5) The Court of Audit shall be renewed with one third of the audit advisers appointed by the Parliament, every 3 years, under the terms stipulated by the organic law of the Court.

(6) The Parliament shall be entitled to revoke the members of the Court of Audit, in the instances and under the terms stipulated by the law."

73. After article 139, a new article, 139¹, shall be inserted, with the following wording:

The article denomination shall be as follows: "The Economic and Social Council"

The wording of the article shall be as follows:

"Article 139¹

The Economic and Social Council shall be an advisory body of the Parliament and Government, in the specialised fields stated by the organic law for its establishment, organisation, and functioning."

74. Before paragraph (1) of article 140, a new paragraph shall be inserted, with the following wording:

"(1) The Constitutional Court shall be the guarantor for the supremacy of Constitution."

75. Article 144 shall be amended and completed as follows:

Point a) shall be amended and shall have the following wording:

"a) to adjudicate on the constitutionality of laws, before the promulgation thereof upon notification by the President of Romania, one of the presidents of the two Chambers, the Government, the High Court of Cassation and Justice, the Advocate of the People, a number of at least 50 deputies or at least 25 senators, as well as *ex officio*, on initiatives to revise the Constitution;"

After point a), a new point, a¹), shall be inserted, with the following wording:

"a¹) to adjudicate on the constitutionality of treaties or other international agreements, upon notification by one of the presidents of the two Chambers, a number of at least 50 deputies or at least 25 senators;"

Point c) shall be amended and shall have the following wording:

"c) to decide on objections as to the unconstitutionality of laws and ordinances, brought up before courts of law or commercial arbitration; the objection as to the unconstitutionality may also be brought up directly by the Advocate of the People;"

After point c), a new point, c¹), shall be inserted, with the following wording:

"c¹) to solve legal disputes of a constitutional nature between public authorities, at the request of the President of Romania, one of the presidents of the two Chambers, the Prime Minister, or of the president of the Superior Council of Magistracy;"

After point i, a new point, i¹), shall be inserted, with the following wording:

"i¹) to carry out also other duties stipulated by the organic law of the Court."

76. Article 145 shall be amended and shall have the following wording:

"Article 145

(1) The provisions of the laws and ordinances in force, as well as those of the regulations, which are found to be unconstitutional, shall cease their legal effects within 45 days of the publication of the decision of the Constitutional Court if, in the meantime, the Parliament or the Government, as the case may be, cannot bring into line the unconstitutional provisions with the provisions of the Constitution. For this limited length of time the provisions found to be unconstitutional shall be suspended *de jure*.

(2) In cases of unconstitutionality of laws, before the promulgation thereof, the Parliament is bound to reconsider those provisions, in order to bring them into line with the decision of the Constitutional Court.

(3) If the constitutionality of a treaty or international agreement has been found according to article 144 a¹), such document cannot be the subject of an objection of unconstitutionality. The treaty or international agreement found to be unconstitutional shall not be ratified.

(4) Decisions of the Constitutional Court shall be published in the Official Gazette of Romania. As from their publication, decisions shall be generally binding and effective only for the future."

77. After article 145, a new title, V¹, shall be inserted, with the denomination "Euro-Atlantic Integration", comprised of two new articles, 145¹ and 145², with the following wording:

The denomination of article 145¹ shall be as follows:
"Integration into the European Union"

The wording of the article shall be as follows:

"Article 145¹

(1) Romania's accession to the constituent treaties of the European Union, with a view to transferring certain powers to community institutions, as well as to exercising in common with the other member states the abilities stipulated in such treaties, shall be carried out by means of a law adopted in the joint session of the Chamber of Deputies and the Senate, with a majority of two thirds of the number of deputies and senators.

(2) As a result of the accession, the provisions of the constituent treaties of the European Union, as well as the other mandatory community regulations shall take precedence over the opposite provisions of the national laws, in compliance with the provisions of the accession act.

(3) The provisions of paragraphs (1) and (2) shall also apply accordingly for the accession to the acts revising the constituent treaties of the European Union.

(4) The Parliament, the President of Romania, the Government, and the judicial authority shall guarantee that the obligations resulting from the accession act and the provisions of paragraph (2) are implemented.

(5) The Government shall send to the two Chambers of the Parliament the draft mandatory acts before they are submitted to the European Union institutions for approval."

The denomination of article 145² shall be as follows:
"Accession to the North Atlantic Treaty"

The wording of the article shall be as follows:

"Article 145²

Romania's accession to the North Atlantic Treaty shall take place by means of a law adopted in the joint session of the Chamber of Deputies and the Senate, with a majority of two thirds of the number of deputies and senators."

78. Article 151 shall be amended and shall have the following wording:

The article denomination shall be as follows:

"Transitory provisions"

The wording of the article shall be as follows:

"Article 151

(1) The bills and legislative proposals pending the legislation shall be debated and adopted in compliance with the constitutional provisions existing before the coming into force of the revision law.

(2) The institutions stipulated by the Constitution, existing on the date of coming into force of the revision law, shall operate until the setting up of the new ones.

(3) The provisions of paragraph (1) of article 83 shall apply starting from the next presidential term of office.

(4) The provisions regarding the High Court of Cassation and Justice shall be implemented within 2 years at most of the date of coming into force of the revision law.

(5) The judges in office of the Supreme Court of Justice and the audit advisers appointed by the Parliament shall continue their activity until the term of office for which they were appointed expires. To ensure the renewal of the Court of Audit every 3 years, on the expiry of the term of office of the current audit advisers, these may be appointed for another 3-year or 6-year term of office.

(6) Until the establishment of specialised courts of law, the disputes resulting from the activity of the Court of Audit shall be solved by ordinary courts of law."

79. Article 152 shall be amended and shall have the following wording:

The article denomination shall be as follows:

"Republication of the Constitution"

The wording of the article shall be as follows:

"Article 152

The law for the revision of the Constitution shall be published in the Official Gazette of Romania within 5 days of

the date of its passing. The Constitution, amended and completed, after its approval by referendum, shall be republished by the Legislative Council, by updating the denominations and renumbering the texts."

Article II. - The revision of the Constitution shall be subject to the approval by referendum, organised according to the provisions of article 147 (3) of the Constitution of Romania.