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East Europe

***ROMANIA:
Draft Constitution***

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**East Europe
Supplement
Romania:
Draft Constitution**

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ROMANIA

Draft of Romanian Constitution [*ADEVARUL 11, 12, 13-14 Jul*] 1

Draft of Romanian Constitution

91BA0936A Bucharest ADEVARUL in Romanian 11,
12, 13-14 Jul 91

["Text" of draft of Romanian Constitution in three installments approved by the editing commission during 17-27 June]

[11 Jul p 3]

[Text] The commission editing the draft Constitution of Romania distributed the draft Constitution to each member of Parliament so that, during the period from 8 to 20 July 1991, in accordance with the decision of the Constitutional Assembly, any changes might be formulated and presented to the specialized commission, in writing and with sufficient justification. The draft has 151 articles organized into seven chapters. It was discussed and approved in the sessions of the editing commission during the period from 17 to 27 June 1991. Also, the written opinions of two researchers from the specialized institute were sought in regard to aspects of a linguistic nature.

To give the entire electorate an opportunity to see the advanced level which has been achieved in the formulation of the basic law governing the Romanian state and to follow the discussions in the Constitutional Assembly, we are publishing the much-awaited draft.

DRAFT OF ROMANIAN CONSTITUTION

TITLE I

General Principles

Article 1. The Romanian State

1. Romania is a national state, sovereign, unitary, and indivisible.
2. The form of government of the Romanian state is the republic.
3. The Romanian state is a social and democratic state of law in which human dignity, the rights and liberties of citizens, the free development of personality, justice, and political pluralism are supreme values.

Article 2. Sovereignty

1. National sovereignty belongs to the Romanian people, who exercise it through their representative bodies and through referendums.
2. No group or individual may assume the exercise of sovereignty on his own behalf.

Article 3. The Territory

1. The territory of Romania is inalienable.
2. The frontiers of the country are sanctioned by the organic law.
3. Administratively, the territory is organized in communes, towns, and counties. According to the law, some towns are declared municipalities.

4. Foreign peoples may not be displaced in the territory of the Romanian state.

Article 4. The Unity of the People and the Equality of Citizens

1. The state is based on the unity of the Romanian people.
2. The state is the common and indivisible homeland of its citizens without any discrimination as to race, ethnic origin, language, religion, sex, opinion, political allegiance, wealth, or social background.

Article 5. Citizenship

1. Romanian citizenship may be acquired, preserved, and lost according to the provisions of the organic law.
2. No Romanian citizen may be deprived of this status if he acquired it at birth.

Article 6. The Right To Identity

1. The state recognizes and guarantees the right to the conservation, development, and expression of the ethnic, cultural, linguistic, and religious identity of the national minorities.
2. The protection measures taken by the state to conserve, develop, and express the identity of the national minorities shall accord with the principles of equality and nondiscrimination which are applicable to the other Romanian citizens.

Article 7. Romanians Abroad

The State supports the strengthening of links with the Romanians outside the country's borders and works for the conservation, development and expression of their ethnic, cultural, linguistic, and religious identity.

Article 8. Political Pluralism and Political Parties

1. Political pluralism is a condition and a guarantee of democracy in Romanian society.
2. The creation of political parties and their activity shall comply with legal provisions. They contribute to the definition and expression of the citizens' political will, respecting national sovereignty, territorial integrity, the order of law, and the principles of democracy.

Article 9. Trade Unions

The creation of trade unions and their activity shall comply with the provisions of the law and of their own statutes. They contribute to the safeguarding of the rights and the promotion of the professional interests of employees.

Article 10. International Relations

Romania has established and develops peaceful relations with all the states and, in this framework, links of good neighborliness based on the principles and on the other generally accepted norms of international law.

Article 11. International Law and Domestic Law

1. The Romanian state pledges to fulfill its commitments under the treaties to which it is a party to the letter and in good faith.
2. The ratified treaties or the treaties concluded according to the law are parts of the domestic law.

Article 12. National Emblems

1. Romania's flag is tricolor; it consists of three vertical stripes: blue, yellow, and red, in this order from the mast.
2. The national day of Romania is 1 December.
3. The national anthem, the country's arms, and the seal of the state are established under organic laws.

Article 13. Official Language

Romanian is the official language in Romania.

Article 14. The Capital

The capital of the country is Bucharest city.

TITLE II**Fundamental Rights, Liberties, and Duties****Chapter I****Common Dispositions****Article 15. Universality of Rights**

The citizens enjoy the rights and liberties granted to them under the Constitution and other laws and have the duties contained in them.

Article 16. Equality of Rights

1. The citizens are equal before the law and before public authorities, without privilege and without discrimination.
2. Public, civil, or military offices and posts shall be taken only by persons holding Romanian citizenship and residing in this country.

Article 17. Romanian Citizens Abroad

Romanian citizens abroad shall enjoy the protection of the Romanian state and shall fulfil their duties with the exception of those incompatible with their absence from the country.

Article 18. Aliens and Stateless Persons

1. Aliens and stateless persons residing in Romania shall enjoy the general protection of person and wealth, guaranteed by the Constitution and other laws.
2. The right to asylum may be granted and withdrawn according to the law and in observance with the international treaties and conventions Romania is a party to.

Article 19. Extradition and Expulsion

1. A Romanian citizen may not be extradited or expelled from Romania.

2. Aliens and stateless persons may be extradited only on the basis of an international convention or on a mutual basis.

3. Expulsion and extradition shall be decided upon by a court of law.

Article 20. International Human Rights Treaties

1. Constitutional dispositions concerning the rights and liberties of citizens shall be interpreted and applied according to the universal declaration of human rights and the international pacts and treaties Romania is a party to.
2. Should there be a lack of concordance between pacts and treaties on fundamental human rights Romania is a party to and the domestic laws, the international regulations shall be applied with priority.

Article 21. Free Access to Justice

1. Any person may appeal to justice for the safeguarding of his legitimate rights, liberties, and interests.
2. No law may hamper the exercise of this right.

Chapter II**Fundamental Rights and Liberties****Article 22. The Right to Life, to Physical and Mental Well-Being**

1. A person's right to live and his right to physical and mental well-being are guaranteed.
2. No one shall be subjected to torture and to inhuman or degrading punishment or treatment.
3. Capital punishment is forbidden.

Article 23. Individual Freedom

1. Individual freedom and personal security are inviolable.
2. The detention or imprisonment of a person is allowed only in cases established by the law and according to the legal procedure established therefore.
3. Preventive detention may not last longer than 24 hours.
4. A person may be arrested only under a legal warrant issued by a judge and kept in provisional imprisonment only for a maximum period of 30 days. The person arrested may file a complaint about the legality of the warrant to the judge, who is compelled to make a pronouncement by a motivated ordinance. The extension of the imprisonment period shall be approved only by a court of law.
5. The person detained or arrested shall be promptly notified, in the language he is conversant in, of the grounds for his detention or arrest and, in the shortest time, of the charges against him; the charges will be made known only in the presence of a chosen or appointed counsel.
6. The person detained or arrested shall be released if the grounds for his detention or arrest have ceased to exist.

7. A person under preventive detention may apply for his provisional release under judiciary control or on bail.

8. A person shall be considered innocent until the pronouncement of the sentence.

9. All punishments shall be set or applied in the conditions and according to the letter of the law.

Article 24. The Right to a Defense Counsel

1. The right to a defense counsel is guaranteed.

2. Throughout the trial the parties have the right to be assisted by a chosen or appointed counsel.

Article 25. Free Movement

1. The right to free movement in this country and abroad is guaranteed. The law sets the conditions for the exercise of this right.

2. Every citizen is guaranteed the right to choose his domicile or place of residence anywhere in this country, to emigrate, and to return to his country.

Article 26. Private and Family Life

1. Public authorities shall observe and protect private and family life.

2. Any natural person has the right to dispose of himself provide that he should not violate the rights and liberties of other persons, public order, and morals.

Article 27. Inviolability of Domicile

1. The domicile and the place of residence are inviolable. No one may enter or stay at the domicile or place of residence of a person without the latter's consent.

2. Derogations from the provisions of paragraph 1 may be accepted, according to the law, in the following situations:

- a. to serve a court sentence;
 - b. to remove any threat to the life, physical integrity, or assets of a person;
 - c. to defend national security or public order;
 - d. to prevent the spread of an epidemic;
 - e. in any other cases which require defense against a common danger.
3. Searches may be ordered solely by a judge and may be conducted according to legal terms alone.
4. Searches shall be prohibited at night time, except in cases of flagrante delicto.

Article 28. Confidentiality of Correspondence

The confidentiality of letters, cables, and other mail and of telephone conversations and other means of communication is inviolable.

Article 29. Freedom of Conscience

1. The freedom of thinking and opinion and the freedom of religious belief may not be restricted in any way and

no one may be forced to adopt a view or to join a religious faith against his convictions.

2. The freedom of conscience may be expressed only in a spirit of tolerance and mutual respect.

3. The religious faiths are free and may organize themselves according to their own statutes, in compliance with the law.

4. The religious faiths are autonomous of the state and they enjoy its support, which includes religious assistance in the Army, in hospitals, prisons, asylums, and orphanages.

5. Parents or guardians have a right to educate minor children for whom they are responsible in keeping with their own beliefs.

Article 30. Freedom of Expression

1. The freedom to express ideas, views, and beliefs and the freedom of creation of any kind—oral, written, representational, by means of sound or by any other means of public communication, are inviolable.

2. State censorship is forbidden.

3. Freedom of the press also implies the freedom to publish publications.

4. No publication may be banned.

5. The law may force the mass media to publicly reveal their financial sources.

6. Freedom of expression may not be used to damage the dignity, honor, or private life of individuals nor their right to their own image.

7. The law forbids defamation of the country and the nation; instigation to war or aggression, and to ethnic, racial, class, or religious hatred; incitement to discrimination, territorial separatism, or public violence; and obscene or immoral acts.

8. The civil responsibility for the information or creation made public will be borne by the editor or producer, the author, the owner of the means of reproduction, or the organizer of an artistic show, in compliance with the law. The law will establish what constitutes press violations.

Article 31. The Right to Information

1. The right of citizens to have access to any public information may not be curtailed.

2. In line with their competencies, public authorities are obligated to ensure correct public information concerning public affairs and matters of personal interest.

3. The right of information must not interfere with measures to protect the young.

Article 32. The Right to Education

1. The right to education is ensured through the compulsory general education, high school and vocational education, higher education, and other forms of teaching and advanced training.

2. The legal teaching language in all the schools, at all levels, is Romanian; schools may also teach in an international language.

3. The right of members of ethnic minorities to study in their mother tongue and to be educated in that language is guaranteed; the means of exercising those rights are established by law.

4. State education is free by law.

5. Institutes of education, including private ones, will carry out their activities in compliance with the law.

6. The autonomy of universities is guaranteed.

7. The state will ensure freedom of religious education in keeping with the specific requirements of each faith. Religious education in public schools is optional.

Article 33. The Right To Vote

1. Citizens have the right to vote from the age of 18 on, having come of age before or on the day of the election.

2. Not entitled to vote are retarded persons or mentally disturbed persons under restrictions, and persons sentenced by final court decision to the loss of electoral rights.

Article 34. The Right To Be Elected

1. Citizens entitled to vote, who fulfill the conditions envisaged under Article 16, paragraph 2, have a right to be elected, unless they are barred from forming political parties.

2. The candidates must have turned at least 23 years of age by or on election day to be elected to the Chamber of Deputies or local bodies, and at least 35 years of age to be elected to the Senate or as president of Romania.

Article 35. Freedom of Assembly

Meetings, demonstrations, processions, or any other form of assembly are free and may be organized and held only peacefully and without any kind of weapons.

Article 36. The Right To Associate

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

2. Parties or organizations which, through their objectives or activities, militate against political pluralism, the principles of the state of law, or the integrity or independence of the state, are unconstitutional.

3. Members of the Constitutional Court, people's defending attorneys, magistrates, active members of the Army, policemen, and other categories of public functionaries established by statutory law may not belong to political parties.

4. Secret organizations are forbidden.

Article 37. Labor and Social Labor Protection

1. The right to work may not be restricted. Professions and jobs may be freely chosen.

2. Employees have a right to social labor protection. Protection measures deal with work safety and hygiene, women and youth, minimum pay, weekly rest, vacation, work in difficult conditions, and other specific situations.

3. The normal working day is at the most eight hours on the average.

4. Women will receive equal pay as men for equal jobs.

5. The right to collective labor negotiations and the compulsory nature of collective agreements are guaranteed.

Article 38. Forced Labor Interdiction

1. Forced labor is forbidden.

2. The following do not constitute forced labor:

a. Military service or equivalent work done by conscientious objectors in compliance with the law;

b. Work done by sentenced prisoners in normal conditions during the period of detention or while on parole;

c. Work imposed by a situation created in the wake of a natural disaster or other threat, or work that falls under the normal civil obligations established by law.

Article 39. The Right To Strike

1. Employees have a right to strike to defend their professional interests.

2. The law envisages the conditions and limits of this right, as well as the guarantees required in order to ensure essential public services.

Article 40. Living Standard

1. The state is obligated to ensure a decent living standard for the citizenry through measures of economic development and social protection.

2. Citizens are entitled to a pension, paid maternity leave, health care in state medical facilities, unemployment relief, and other forms of social assistance envisaged by law.

Article 41. Protection for the Handicapped

Handicapped persons will enjoy special protection. The state will ensure the implementation of a national policy of prevention, treatment, rehabilitation, education, training, and social integration for the handicapped; the rights and duties of parents and guardians will be observed.

Article 42. Protection of Private Property

1. The right to own property and claims from the state are guaranteed. The contents and limitations of these rights are established by law.

2. Private property is ensured equal protection under the law regardless of who the owner may be. Foreigners and stateless persons may not acquire property rights over land.

3. No one may be dispossessed, except for reasons of public interest established by law and against just and prior compensation.

4. In the case of projects of a general interest, public authorities may use the basement of any building, whereby the owner will be compensated for any damage caused to the soil, plants, or structures and for any other damages caused by the authorities.

5. The compensations envisaged in paragraphs 3 and 4 will be established by agreement with the owner, or by a court of law in the case of dispute.

6. The right to own property implies an obligation to comply with environmental protection duties, to ensure good neighborliness, and to observe the other duties incumbent on an owner by law or tradition.

7. Legally acquired property may not be confiscated. Property is presumed to have been acquired legally.

8. Items intended for or used to commit a crime or a felony and items resulting from such may be confiscated only in compliance with the law.

Article 43. The right To Inherit

The right to inheritance is guaranteed.

Article 44. Protection of Children and Youth

1. Children and youth will enjoy a special regime of protection and assistance to realize their rights.

2. The state will allocate state allowances for children and aid to care for sick or handicapped children. Other forms of social protection for children and youth will be established by law.

3. It is forbidden to exploit minors, to use them for activities harmful to their health or morals, or such as may endanger their lives or normal development.

4. Minors under the age of 15 may not be hired as employees.

5. The public authorities are obligated to contribute to ensuring conditions for the youth's free participation in the country's political, social, economic, and cultural life.

Article 45. Family

1. The family is based on a freely entered marriage between spouses, on their equality, and on the right and duty of parents to raise, educate, and train their children.

2. The conditions in which marriages may be concluded, dissolved, or annulled are established by law. Religious marriages are optional and may be celebrated only after the civil marriage.

3. Children born out of wedlock have equal rights before the law as children born in a marriage.

Article 46. The Right To Petition

1. Citizens have a right to petition public authorities solely in the name of the petition signatories. Handicapped persons may be represented.

2. Legally formed organizations have a right to petition exclusively in the name of the collectives they represent.

3. The exercise of the right to petition is exempt from tax.

Article 47. The Rights of a Person Who Suffered Damage at the Hands of a Public Authority

1. A person who has suffered damages as the result of the violation of one of his rights by a public authority, through an administrative act, or as a result of failure to have a request resolved within the legal period of time, is entitled to have the right in question recognized, the act repealed, and the damages compensated.

2. The conditions for and limitations on the exercise of this right will be established by statutory law.

3. The state is materially responsible, in compliance with the law, for damages caused in the wake of a judicial error in a penal trial.

Article 48. Restrictions on the Exercise of Certain Rights or Freedoms

1. The exercise of certain rights or freedoms may be restricted only by law and only if the restriction is required, according to case, in order to: defend national security, public order, health, or morals, and civic rights and freedoms; carry out penal action; preempt the consequences of a natural disaster of a particularly severe catastrophe.

2. The restriction must be proportionate to the situation that called for it and may not impinge on the existence of justice or freedom.

Chapter III

Basic Duties

Article 49. Loyalty to the Country

1. Loyalty to the country is a sacred duty.

2. Citizens entrusted with public missions and military men are responsible for faithfully fulfilling their duties; they will take the oath required by law for this purpose.

Article 50. Observance of the Constitution and the Laws

The observance of the Constitution and its supremacy and of the laws is compulsory.

Article 51. National Defense

1. The citizens have a right and duty to defend Romania.

2. Military service is compulsory for male Romanian citizens over the age of 20, with the exception of cases envisaged by law.

3. Citizens may be called up for compulsory military service training up to the age of 35.

Article 52. Financial Contributions

1. The citizens are obligated to contribute to public expenditures by means of income and other taxes.
2. The legal taxation system must ensure a just distribution of fiscal duties.
3. Any levies aside from those envisaged in paragraph 2 are forbidden, with the exception of those established by law in exceptional situations.

Article 53. The Exercise of Rights and Freedoms

The citizens must exercise their constitutional rights and freedoms in good faith and without violating the rights and freedoms of others.

Chapter IV**The Public Attorney****Article 54. Appointment and Office**

1. The public attorney is appointed by the Senate for a four-year term for the purpose of defending the law and the freedoms of the citizenry. The organization and operation of the institution of the public attorney is established by an organic law.
2. The position of public attorney is incompatible with any other public or private function.

Article 55. Discharging Duties

1. The public attorney will discharge his duties ex officio or at the request of persons whose rights or freedoms have been violated, and will notify the competent authorities.
2. The public authorities are obligated to extended due assistance to the public attorney in the exercise of his duties.

Article 56. Reporting to Parliament

The public attorney will report to Parliament annually or at the latter's request. The reports may contain recommendations concerning the law or measures of another nature designed to protect civic rights and freedoms.

TITLE III**Public Authorities****Chapter I****Parliament****Section 1. Organization and Operation****Article 57. Mission and Structure**

1. The Parliament is the representative body of the Romanian people and the only legislative authority in the country.
2. The Parliament is made up of the Chamber of Deputies and Senate.

Article 58. Election of the Chambers

1. The Chamber of Deputies and the Senate are elected by universal, equal, direct, secret, and free vote expressed in accordance with the electoral law.
2. Organizations of citizens belonging to ethnic minorities which do not win the necessary number of votes to be represented in Parliament will be entitled to one deputy seat. Citizens of an ethnic minority may be represented by only one organization, in compliance with the electoral law.
3. The Chamber of Deputies is made up of 260 elected deputies, plus the deputies designated according to paragraph 2. The Senate is made up of 130 senators.

Article 59. Term in Office

1. The Chamber of Deputies and the Senate are elected for a four-year term, which may be extended by an organic law in case of war or disaster.
2. Elections for the Chamber of Deputies and Senate are held within at the most three months of the expiration of the term or of their being dissolved.
3. The newly elected Parliament will be convened by Romania's president within at the most 20 days from election day.
4. Until the new houses are convened, the prerogatives of the Parliament are carried out by a provisional delegation formed in keeping with the political configuration of the previous Parliament. The organization and operation of the provisional delegation are established by an organic law. During the office of the provisional delegation the Constitution may not be revised and organic laws may not be adopted, amended, or abrogated. At the new Parliament's session the provisional delegation will present a report on its activities.
5. Draft bills or legislative proposals on the agenda of the previous parliament will be handled by the new Parliament.

Article 60. Internal Organization

1. The organization and operation of each chamber will be established by their own bylaws. The financial resources of the chambers are envisaged in the budgets passed by them.
2. Each chamber elects a new standing bureau. The president of the Chamber of Deputies and the president of the Senate are elected for the duration of the chambers' term in office. The other members of the standing bureaus are elected at the beginning of each session. The members of the standing bureaus may be revoked before the expiration of the term.
3. The deputies and senators may organize in parliamentary groups in keeping with each chamber's bylaws.
4. Each chamber forms standing commissions and may also form investigation or other ad-hoc commissions. The chambers may form joint commissions.

5. The standing bureaus and the parliamentary commissions will be formed according to the political configuration of each chamber.

Article 61. Joint Sessions

1. The Chamber of Deputies and the Senate will meet in joint sessions. The joint session proceedings will be held in accordance with regulations adopted by the vote of the majority of the deputies and senators.
2. The chambers will meet in joint session to:
 - a. Receive the message of Romania's president;
 - b. Pass the state budget and the state social security budget;
 - c. Declare general or partial mobilization;
 - d. Declare war;
 - e. Suspend or cease military hostilities;
 - f. Examine reports by the Supreme Defense Council and the Court of Accounts;
 - g. Appoint the leaders of the state intelligence services and monitor such services;
 - h. Fulfill other duties that are discharged in joint session according to the Constitution or with bylaws.

Article 62. Sessions

1. The Chamber of Deputies and the Senate will meet in two regular sessions a year. The first session begins in February and may not extend beyond the end of June. The second session begins in September and may not extend beyond December.
2. The Chamber of Deputies and the Senate will also be convened in special sessions at the request of Romania's president, the standing bureau of each chamber, or at least one third of the number of deputies or senators.
3. The chambers will be convened by their presidents.

Article 63. Legal Acts and Legal Quorum

The Chamber of Deputies and the Senate pass laws, decisions, and motions in the presence of a majority of their members.

Article 64. Public Sessions

1. The two chambers' sessions are public.
2. The chambers may decide to hold certain sessions in camera.

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[Text]

Section 2. The Status of Deputies and Senators

Article 65. The Representative Mandate

1. The deputies and senators are at the service of the people in exercising their mandate.
2. Any imperative mandate is null.

Article 66. The Mandate of Deputies and Senators

1. The deputies and senators come into the exercise of their mandate on the date on which they are declared elected, pending validation by the chamber to which they belong.
2. The status of deputy or senator ceases upon the expiration of the mandate or upon resignation, forfeiture of electoral rights, incompatibility, or death.

Article 67. Incompatibility

1. No one may be both a deputy and a senator at the same time.
2. The status of deputy or senator is incompatible with the exercise of any authority-carrying public function, with the exception of that of a government member.
3. Other cases of incompatibility are established by an organic law.

Article 68. Immunity

1. Deputies and senators may not be detained, arrested, searched, or sent to penal or administrative trial without the permission of the chamber to which they belong. The competent court is the Supreme Court of Justice.
2. In the case of a capital crime, a deputy or senator may be detained and searched. The Ministry of Justice will immediately inform the chamber president about the detention and search. If the chamber notified finds no grounds for detention, it will order the immediate lifting of the measure in question.

Article 69. Independence

Deputies and senators may not be held legally responsible for their votes or for the political views expressed in the exercise of their mandate.

Article 70. Remuneration and Other Rights

The deputies and senators will receive a monthly remuneration. The level of the remuneration and other rights are established by law.

Section 3. Legislation

Article 71. Categories of Laws

1. Parliament adopts constitutional laws, organic laws, and ordinary laws.
2. The Constitution is revised by constitutional laws.
3. Organic laws regulate the following:
 - a. The electoral system;
 - b. The organization and operation of political parties;
 - c. The organization and holding of a referendum;
 - d. The organization of the government;
 - e. Martial law and emergency regulations;
 - f. Offenses, punishments, and carrying out punishments;

- g. Collective amnesty or pardon;
- h. The organization and operation of judicial venues and of the Public Ministry;
- i. The status of public functionaries;
- j. Administrative disputes;
- k. The regime of property, other estate rights, and inheritance;
- l. General rules regarding labor relations, trade unions, and social protection;
- m. The general organization of education;
- n. The general regime of religious denominations;
- o. The administrative organization of the country and the capital city, and general regulations regarding local autonomy;
- p. Establishment of exclusive economic zones;
- q. Other areas for which the Constitution envisages organic laws.

Article 72. Legislative Initiative

1. The initiative for legislative acts may be taken by the government, deputies, senators, and a number of at least 250,000 citizens entitled to vote. A civic legislative initiative must come from at least one quarter of the country's counties and must rally the support of at least 10,000 signatories in each of those counties or the Bucharest municipality.
2. Fiscal matters, international issues, or amnesty may not be the object of a civic legislative initiative.
3. The government exercises its legislative initiative by sending draft bills to one of the chambers.
4. Deputies, senators, and citizens who are exercising their right to legislative initiative may make legislative proposals only in the form required for draft bills.
5. Legislative proposals are presented for passing in the chamber to which they were sent.

Article 73. Passing Laws and Decisions

1. Ordinary laws and decisions are passed by the vote of a majority of the members present in each chamber.
2. Organic laws and decisions concerning the chambers' bylaws are passed by the vote of the majority of the members of each chamber.
3. Upon the request of the government or on its own initiative, Parliament may pass urgent draft bills in compliance with the bylaws of each chamber.

Article 74. Sending Draft Bills and Legislative Proposals From One Chamber to the Other

Draft bills or legislative proposals passed by one chamber will be sent to the other Parliament chamber. If the latter rejects the draft bill or legislative proposal, they will be sent to the chamber that passed them for a second debate. A second rejection is final.

Article 75. Mediation

1. If one of the chambers passes a draft bill or legislative proposal in a version different from the one adopted by the other chamber, the presidents of the chambers will initiate a mediation procedure through the intermediary of a parity commission.
2. If the commission does not come to an agreement or if one of the chambers does not endorse the report of the parity commission, the Chamber of Deputies will make the final decision with a majority vote of its members in the case of ordinary laws, or with the vote of two thirds of its members in the case of organic laws.

Article 76. Promulgating a Law

1. Laws are sent to the president of Romania for promulgation. A law will be promulgated within at most 20 days of being received.
2. Before promulgating the law the president may once request Parliament to reexamine it.
3. If the president has requested a reexamination of the law or to have its constitutionality verified, the law will be promulgated within at the most 10 days of receipt of the law after the reexamination or after the date of the decision of the Constitutional Court that confirmed its constitutionality.

Article 77. Law Enactment

Laws come into force on the date of publication in Romania's MONITORUL OFICIAL or on the date envisaged in its text.

Article 78. The Technical Legislative Council

1. The Technical Legislative Council is a specialized consultative body of Parliament which advises on legislative acts for the purpose of ensuring the systematization, coherence, and coordination of the entire legislation. It keeps the official records of Romania's Laws.
2. The establishment, organization, and operation of the Technical Legislative Council are envisaged by an organic law.

Chapter II

The President of Romania

Article 79. The Role of the President

1. The president of Romania represents the Romanian state and is the guarantor of the country's national independence and territorial integrity.
2. The president of Romania ensures the observance of the Constitution and the normal operation of public authorities. For this purpose, the president carries out mediation functions among state powers and between the state and the society.

Article 80. Election of the President

1. Romania's president is elected by universal, equal, direct, secret, and free vote.

2. The candidate who wins a majority of the votes of the voters registered on electoral lists in the first electoral round is declared elected.

3. If none of the candidates wins such a majority, a second round is organized between the first two candidates in the order of the number of votes won in the first round. The candidate who wins most votes is declared elected.

No one may be elected president of Romania more than at most twice.

Article 81. Mandate Validation and Oath Taking

1. The results of the election for the presidency of Romania is validated by the Constitutional Court.

2. The candidate whose election has been validated will take the following oath before a joint session of the Chamber of Deputies and the Senate:

"I swear to dedicate all my strength and skill to the spiritual and material wellbeing of the Romanian people, to respect the Constitution and the laws of the country, to defend democracy and the fundamental civic rights and freedoms, and Romania's sovereignty and territorial integrity. So help me God!"

3. The president of Romania will begin to exercise his mandate on the date on which he is sworn in.

Article 82. Term in Office

1. The president of Romania is elected for a four-year term.

2. The president of Romania will remain in office until a new president is sworn in.

3. The president's term in office may be extended by an organic law in case of war or disaster.

Article 83. Incompatibilities

The president of Romania may not belong to a party and may not carry any other public or private function.

Article 84. Appointing the Government

1. The president of Romania designates a candidate to the function of prime minister and appoints the government on the basis of a confidence vote from Parliament.

2. If the government is reshuffled or if a post becomes vacant, the president revokes and appoints the other government members upon the advice of the prime minister.

Article 85. Consulting the Government

The president of Romania may consult the government on urgent or particularly important issues.

Article 86. Attending Government Meetings

1. The president of Romania may attend government meetings scheduled to debate issues of a national interest concerning foreign policy, national defense, and public order or in other situations upon the prime minister's request.

2. The president of Romania will chair the government meetings he attends.

Article 87. Messages

The president of Romania will send messages to Parliament on major national political issues.

Article 88. Dissolving Parliament

1. After consulting the presidents of the two chambers, the president of Romania may dissolve Parliament if the latter does not give the confidence vote required to form a government within 60 days of the first request for investiture.

2. Parliament may be dissolved once in the course of one year.

Article 89. Referendum

After consulting with Parliament, the president of Romania may ask the people to express their wishes on matters of national interest by means of a referendum.

Article 90. Foreign Policy Duties

1. The president signs international treaties negotiated by the government on behalf of Romania and sends them to Parliament for ratification within 60 days.

2. Upon the government's suggestion, the president accredits and recalls Romania's diplomatic representatives and approves the establishment, the closing, and changes in the level of diplomatic missions.

3. The diplomatic representatives of other countries present their letters of accreditation to the president of Romania.

Article 91. Defense Duties

1. The president of Romania is the commander of the Army and the chairman of the Country's Supreme Defense Council.

2. With the prior approval of Parliament, he may declare partial or general mobilization of the Army. Except for exceptional cases the president's decision will be subsequently sent up for the Parliament's approval within five days of being adopted.

3. In the case of armed aggression against the country, the president of Romania takes measures to repel the aggression and immediately informs Parliament about them in a message. If Parliament is not in session, it will be officially convened within 24 hours of the onset of the aggression.

Article 92. Exceptional Measures

1. In accordance with the law, the president of Romania may declare martial law or a state of emergency throughout the country or in certain areas; he asks Parliament for approval of the measure adopted within at most five days of taking it.

2. If Parliament is not in session, it will be officially convened within at the most 48 hours of the declaration

of martial law or state of emergency and will remain in session throughout its duration.

Article 93. Other Duties

The president of Romania:

- a. Awards decorations and honorary titles;
- b. Awards the ranks of marshal, general, and admiral;
- c. Makes public appointments in compliance with the law;
- d. Grants individual pardon.

Article 94. Impeachment

1. If the president of Romania commits serious offenses which violate the Constitution, he can be impeached by the Chamber of Deputies and the Senate, in joint session, by a majority vote of the deputies and senators, after consultations with the Constitutional Court.

The president may furnish explanations to Parliament about the deeds attributed to him.

2. An impeachment proposal may be initiated by at least one third of the deputies and senators and is immediately reported to the president.

3. If the impeachment proposal is approved, a referendum is organized within at the most 30 days concerning the release of the president.

Article 95. Presidential Vacancy

1. The office of the president of Romania becomes vacant in the wake of resignation, impeachment approved by referendum, definitive incompatibility in the exercise of duties, or death.

2. Within three months of the date on which the office of president of Romania becomes vacant, the government will hold elections for a new president.

Article 96. The Interim Office

1. When the office of the president becomes vacant, if the president is impeached or is temporarily unable to discharge his duties, the office will be filled in the interim by the president of the Senate, the president of the Chamber of Deputies, or the prime minister, in that order.

2. The duties envisaged in articles 87-89 may not be carried out during the interim period.

Article 97. The Responsibilities of the Interim President

If the person who serves as president ad interim of Romania commits serious offenses which violate the Constitution, articles 94 and 96 will come into effect.

Article 98. Presidential Acts

1. In the exercise of his duties the president of Romania issues decrees that are published in Romania's MONITORUL OFICIAL. Failure to publish makes the decree void.

2. Decrees issued by the president of Romania in the exercise of the duties listed under article 90, paragraphs 1 and 2, article 91, paragraphs 2 and 3, subparagraphs a, b, and d will be countersigned by the prime minister.

Article 99. Remuneration

The remuneration of the president of Romania is established by law.

Chapter III

Government

Article 100. Mission and Structure

1. In compliance with its government program approved by Parliament, the government ensures the implementation of the country's domestic and foreign policies and ensures the general management of the public administration.

2. In the exercise of its duties, the government cooperates with the interested social bodies.

3. The government is made up of a prime minister, ministers, and other members established by an organic law.

Article 101. Investiture

1. The president of Romania designates a candidate to the function of prime minister after consulting the party holding the absolute majority in Parliament; if no such majority exists, he will consult the parties represented in Parliament.

2. Within 10 days of his designation, the prime minister designate will request a Parliament vote of confidence regarding the program and the entire list of the government.

3. The government program and list are debated by the Chamber of Deputies and Senate in joint session. Parliament grants the vote of confidence with a majority of the deputies and senators.

4. On the basis of the vote of confidence granted, the president of Romania appoints the government.

Article 102. Oath of Allegiance

1. The prime minister, ministers, and other government members will individually take the oath envisaged under article 81 before the president of Romania.

2. The government as a whole, and each member separately, will exercise their mandate beginning on the swearing-in date.

Article 103. Incompatibilities

1. The position of member of the government is incompatible with the exercise of any other authority-carrying public function, with the exception of that of deputy or senator. Similarly, it is incompatible with any position involving national professional representation or any salaried professional activity in a commercial organization.

2. Members of the family of the president of Romania or of the prime minister or other relatives up to and including four times removed, and their godchildren may not serve in the government.

Article 104. Government Post Termination

Membership in the government is terminated by resignation, release, forfeit of electoral rights, incompatibility, death, and other grounds envisaged by the law.

Article 105. The Prime Minister

1. The prime minister leads the government and coordinates the activities of its members, while respecting their duties. He also presents reports and declarations to the Chamber of Deputies or Senate regarding government policy, which are debated on a priority basis.

2. If the prime minister finds himself in one of the situations envisaged under article 104 or is incapable of discharging his duties, the president of Romania will designate another government member as prime minister ad interim to carry out the prime minister's duties until a new government is formed.

3. The provisions of paragraph 2 will be applied accordingly to the other government members upon the suggestion of the prime minister, for a period of at most 15 days.

Article 106. Government Acts

1. The government adopts decisions and ordinances.

2. The decisions are issued for the purpose of organizing the implementation of the laws.

3. Ordinances are issued on the basis of temporary empowerment laws within the scope and conditions of the laws in question.

4. The decisions and ordinances issued by the government are signed by the prime minister and countersigned by the ministers in charge of implementing them, and are published in the MONITORUL OFICIAL. Failure to publish makes the decision or ordinance void. Military decisions are communicated only to the organizations involved.

Article 107. The Responsibilities of Government Members

1. The government is politically accountable to Parliament for all its activities. Each government member is politically accountable, jointly with the other members, for the government's activities and acts.

2. The Chamber of Deputies, the Senate, and the president of Romania are entitled to request legal action filed against government members for actions carried out in the exercise of their duties. The competent venue is the Supreme Court of Justice. Any government member on trial is suspended from his post.

3. The grounds for accountability and the punishments applicable to government members are regulated by the law on ministerial responsibility.

Article 108. End of Mandate

1. The government will exercise its mandate until the date of validation of general parliamentary elections.

2. The government is released on the date on which Parliament withdraws its confidence, if the prime minister is in one of the situations envisaged in article 104, or if it is incapable of discharging its duties for more than 15 days.

3. In the situations envisaged in paragraph 2, the provisions of article 101 will be applied.

4. The government whose mandate has been terminated according to paragraphs 1 and 2 will carry out only the actions required for the administration of public affairs until the members of a new government are sworn in.

Chapter IV

Relations Between Parliament and Government

Article 109. Reporting to Parliament

1. The government and the other bodies of public administration are obligated to furnish the information and documents requested by the Chamber of Deputies, the Senate, or parliamentary commissions through their chairmen. If a legislative initiative requires changes in the state budget or the state social security budget, requesting information is compulsory.

2. The government members have access to Parliament sessions. If their presence is requested, they are obligated to attend.

Article 110. Questions and Interpellations

1. The government and each one of its members are obligated to reply to questions or interpellations by deputies or senators.

2. The Chamber of Deputies or the Senate may pass a motion expressing their position on the subject of the interpellation.

Article 111. Censure Motion

1. The Chamber of Deputies and the Senate, in joint session, may withdraw their confidence from the government by passing a censure motion with a majority of the votes of the deputies and senators.

2. The censure motion may be initiated by at least one-fourth of the deputies and senators and is communicated to the government on the date on which it was filed.

3. The censure motion is debated after the joint session of the two houses.

4. If the censure motion is rejected, the deputies and senators who signed it may not initiate a new censure motion at the same session, unless the government takes responsibility in accordance with article 112.

Article 112. Government Responsibility

1. The government may take responsibility before a joint session of the Chamber of Deputies and the Senate for a program, a general policy declaration, or a draft bill.
2. The government is released if a censure motion, filed within three days of the presentation of the program, the general policy declaration, or the draft bill, was voted in accordance with article 111.
3. If the government was not released as per paragraph 2, the draft bill presented is viewed as passed, and the program or general policy declaration become binding for the government.
4. If the president of Romania requests a reexamination of the bill passed as per paragraph 3, the debate on it will take place in a joint session of the two houses.

Article 113. Legislative Delegation

1. Parliament may adopt a special law to empower the government to issue ordinances in areas that do not fall under organic laws.
2. The bill of empowerment will compulsorily establish the area and the date by which ordinances may be issued.
3. If so requested by the bill of empowerment, the ordinances will be sent to Parliament for approval until the expiration of the empowerment term. Failure to observe the term will cancel the effects of the ordinance.
4. In exceptional cases the government may adopt emergency ordinances. They will come into force only after being sent to Parliament for approval. If Parliament is not in session, it will be compulsorily convened.
5. The ordinances are approved or rejected by a law which will also incorporate the ordinances whose effects cease as per paragraph 3.

Chapter V**Public Administration****Section 1. Specialized Central Public Administration****Article 114. Structure**

1. The ministries are organized only subject to the government.
2. Other specialized bodies may be organized subject to the government or the ministries, or as autonomous administrative authorities.

Article 115. Establishment

1. The ministries are established and organized and they operate in accordance with the law.
2. The government and ministries may establish, with the approval of the Court of Accounts, specialized bodies under their control only if the law recognizes this as being within their competence.
3. Autonomous administrative authorities may be established by an organic law.

Article 116. The Army

1. The Army is subject solely to the will of the people, for the purpose of guaranteeing the independence of the state, the country's territorial integrity, and constitutional democracy.
2. The structure of the national defense system, the organization of the Army, the preparation of the public and the country for defense, and the status of military cadres are established by organic law.
3. The provisions of paragraphs 1 and 2 will apply accordingly to the police, the state intelligence services, and other armed forces.
4. The organization of paramilitary activities is forbidden, as is the organization of military activities outside the framework of a state authority.

Article 117. The Country's Supreme Defense Council

The Country's Supreme Defense Council uniformly organizes and coordinates activities concerning national defense and security.

Section 2. Local and County Public Administration**Article 118. Basic Principles**

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

Article 119. Communal and Town Authorities

1. The public administration authorities which serve as means of implementing local autonomy in communes and towns are the elected local councils and the mayors elected in compliance with the law.
2. The local councils and the mayors operate as autonomous administrative authorities and handle public affairs in communes and towns in accordance with the law.
3. The authorities envisaged in paragraph 2 may also be formed in municipal administrative-territorial districts.

Article 120. The County Council

1. The county council is the public administration authority in charge of coordinating the activities of local councils for the purpose of ensuring public services in the county.
2. The county council is elected and operates in accordance with the law.

Article 121. The Prefect

1. The government appoints a prefect in each county and in the Bucharest municipality.
2. The prefect is the government's representative at a local level and is in charge of the decentralized public services of the ministries and other central bodies in the administrative-territorial districts.
3. The prefect may attack any act of the county or local council or of a mayor before a court of administrative

dispute if he views the respective act as illegal. The act under attack is legally suspended.

Chapter VI

Court Authority

Section 1. Judiciary Instances

Article 122. Carrying Out Justice

1. Justice is carried out in the name of the law.
2. The judges are independent and are subject only to the law.

Article 123. The Status of Judges

1. With the exception of intern judges, the judges are appointed by the president of Romania upon the advice of the Higher Council of Magistrates.
2. The judges appointed by the president of Romania are irremovable. Judges may be promoted, transferred, or sanctioned only at the order of the Higher Council of Magistrates, according to the law.
3. The post of judge is incompatible with any other public or private function.

Article 124. Court Instances

1. Justice is carried out through the Supreme Court of Justice and other court instances established by the law.
2. The establishment of extraordinary instances is forbidden.
3. The trial competence and procedure are established by law.

Article 125. The Public Nature of Debates

Court sessions are public, except for the cases envisaged by law.

Article 126. Official Court Language

1. Judiciary procedures are carried out in the Romanian language.
2. Citizens belonging to ethnic minorities may use their mother tongue in court proceedings.
3. Parties that do not understand or speak the Romanian language have a right to be informed on all the documents and actions concerning the file and to speak in court and offer conclusions through an interpreter; this right is provided free of charge in penal trials.

Article 127. Means of Attack

The parties involved and the Public Ministry may exercise legal means of attack against court decisions.

Article 128. Court Police

Court instances have a police force at their disposal.

Section 2. The Public Ministry

Article 129. The Mission of the Public Ministry

1. The Public Ministry represents the general interests of the society in the judiciary area, and it defends the legal order and the rights and freedoms of the citizens.
2. The Public Ministry exercises its duties through prosecutors organized in offices affiliated with court instances, according to the law.

Article 130. Status of the Prosecutors

The prosecutors carry out their activities in keeping with the principles of legality, impartiality, and hierarchical supervision, under the administrative authority of the minister of justice.

Section 3. The Higher Council of Magistrates

Article 131. Composition

1. The Higher Council of Magistrates is made up of magistrates elected for a four-year term by the Chamber of Deputies and the Senate in joint session.
2. The president of the Supreme Court of Justice is legally a member of the Higher Council of Magistrates.

Article 132. Duties

1. The Higher Council of Magistrates proposes the appointment of judges and prosecutors to the president of Romania, with the exception of intern judges, according to the law. In such cases, the sessions are presided by the minister of justice without the right to vote.
2. The Higher Council of Magistrates plays the role of a disciplinary council for judges. In such cases, its sessions are chaired by the president of the Supreme Court of Justice.

TITLE IV

Economy and Public Finances

Article 133. The Economy

1. Romania's economy is a market economy.
2. The state is expected to ensure:
 - a. Free trade, protection for loyal competition, and the utilization of all production factors;
 - b. The exploitation of the natural resources in keeping with the national interests;
 - c. Environmental protection and the preservation of an ecological balance;
 - d. The creation of the necessary conditions for improving the quality of life.

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[Text]

Article 134. Property

1. The state protects property.

2. Property may be public or private.
3. Public property belongs to the state or to administrative-territorial subdivisions.
4. Underground resources of any kind, the means of communications, the air space, waters that can produce power or can be used for public purposes, the beaches, the territorial sea, the natural resources of the economic zone and the continental shelf, as well as other assets envisaged by the law, are exclusively public property.
5. Publicly owned assets are legally inalienable; they may be allocated to autonomous managements or public institutions for management, or may be leased or managed as a concession.

Article 135. Financial System

1. The formation, administration, use, and supervision of the financial resources of the state, of administrative-territorial subdivisions, and of public institutions will be regulated by law.
2. The national currency is the leu, which is divided into bani.

Article 136. Public Budget

1. The national public budget incorporates the state budget, the state social security budget, and the local budgets of the communes, townships, and counties.
2. Each year the government will hammer out a draft state budget and state social security budget, which it will separately submit to Parliament for approval.
3. If the state budget bill and the state social security bill are not adopted at least three days before the expiration of the budget year, the state budget and the state social security budget of the previous year will continue to be in use until new budgets are adopted.
4. The local budgets are established, passed, and executed in accordance with the law.
5. No budget expenditure may be approved without designating a source of financing.

Article 137. Income and Other Taxes

1. Income and other taxes and any other incomes for the state budget and the state social security budget are established only by law.
2. Local income and other taxes are established by the local and county councils within the confines and conditions of the law.

Article 138. The Court of Accounts

1. The Court of Accounts exercises preventive and management supervision of the formation, administration, and utilization of state and public financial resources.
2. The Court of Accounts will annually report to Parliament on the management accounts of the national public budget of the past budget year, and will also report on any irregularities found.

3. The members of the Court of Accounts are independent and irremovable, like judges. They are subject to the same rules of incompatibility.

TITLE V

The Constitutional Court

Article 139. Structure

1. The Constitutional Court is made up of nine members appointed for a nine-year term that may not be extended or renewed.
2. Three members are appointed by the Chamber of Deputies, three by the Senate, and three by the president of Romania.
3. The Constitutional Court members will elect a president by secret ballot for a three-year term.
4. Every three years one-third of the Constitutional Court will be replaced in accordance with the organic law.

Article 140. Appointment Conditions

The members of the Constitutional Court must have superior professional legal studies, a high level of professional competence, and at least 15 years of experience in the legal profession or in university law teaching.

Article 141. Incompatibilities

The position of member of the Constitutional Court is incompatible with any other public or private position.

Article 142. Independence and Irremovability

The members of the Constitutional Court are independent in the discharge of their duties and irremovable during its term.

Article 143. Duties

The Constitutional Court has the following duties:

- a. To pronounce on the constitutionality of organic laws ex officio and compulsorily before their promulgation, as well as on proposals to revise the Constitution;
- b. To pronounce on the constitutionality of ordinary laws before they are promulgated and to notify the president of Romania, the president of one of the Parliament houses, the government, the Supreme Court of Justice, and at least 50 deputies or at least 25 senators about its findings;
- c. To pronounce on the constitutionality of the bylaws of the chambers of Parliament ex officio and compulsorily;
- d. To decide on appeals brought before courts about the unconstitutionality of laws and ordinances;
- e. To monitor observance of the procedure employed to elect the president of Romania and to confirm the results of the ballot;
- f. To ascertain the existence of circumstances that justify an interim presidential office and to communicate its findings to Parliament and the government.

- g. To advise on proposals to suspend the president of Romania;
- h. To monitor compliance with the procedure for organizing and holding a referendum and to confirm its results;
- i. To verify the existence of conditions for the exercise of civic legislative initiative;
- j. To decide on protests about the constitutionality of a political party;
- k. To fulfill any other duties envisaged under organic laws.

Article 144. Constitutional Court Decisions

The decisions of the Constitutional Court are compulsory and are not retroactive. They are published in Romania's MONITORUL OFICIAL.

TITLE VI

Revising the Constitution

Article 145. Revision Initiative

1. The revision of the Constitution may be initiated by the president of Romania at the suggestion of the government, by at least one-fourth of the deputies or senators, and by at least 500,000 voting citizens.
2. The citizens who initiate the constitutional revision must come from at least half of the country's counties and must have at least 20,000 signatures in support of their initiative in each of those counties or in Bucharest municipality.

Article 146. Revision Procedure

1. The draft or proposal for the revision must be passed by the Chamber of Deputies and the Senate with a majority of at least two-thirds of the members of each house.
2. If no agreement is reached by mediation, the Chamber of Deputies and the Senate in joint session will decide by the vote of at least three fourths of the number of deputies and senators.
3. The revision is final after being approved by referendum, organized within at most 30 days of the adoption of the revision draft or proposal.

Article 147. Revision Limitations

1. The provisions of the present Constitution concerning the national, independent, united, and indivisible character of the Romanian state; the republic as form of

government; territorial integrity; political pluralism; and the official state language may not be the object of revision.

2. Similarly, no revision may be made if its outcome is to suspend the basic rights and freedoms of the citizens or their guarantees.

3. The Constitution may not be revised during periods of martial law, state of emergency, or war.

TITLE VII

Final and Temporary Dispositions

Article 148. Enactment

1. The present Constitution will come into effect on the date it is approved by referendum. On that same date the Constitution of 21 August 1963 will be fully and irrevocably abrogated.

2. The referendum will be organized within 30 days of the date on which the Constitutional Assembly approves the Constitution.

Article 149. Temporary Conflict of Laws

1. The laws and all other legal acts will remain in effect, provided they do not conflict with the present Constitution.

2. Within 12 months of the enactment of its bill of organization, the Technical Legislative Council will ascertain that the legislation conforms with the present Constitution and will make proposals accordingly to Parliament or the government, as the case may be.

Article 150. Existing Institutions

1. The institutions of the Republic in existence on the date of enactment of the present Constitution will remain in operation until new ones have been established.

2. The Chamber of Deputies and the Senate will carry on their activities in compliance with their own bylaws in force on the date of adoption of the present Constitution.

Article 151. Future Institutions

1. Within six months of the date of enactment of the Constitution, a Constitutional Court and a Court of Accounts will be established.

2. The members of the first Constitutional Court will be appointed for periods of three, six, and nine years respectively. The president of Romania, the Chamber of Deputies, and the Senate will designate one member each for each term.

3. The justices in office on the date of enactment of the present Constitution will become irremovable in accordance with the conditions established by organic law.

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