

Romania – Law on the Constitutional Court

{ Adopted on: 18 May 1992 }

{ ICL Document Status: 18 May 1992 }

Chapter I General Provisions

Article 1 [Power, Independence, Purpose]

- (1) The Constitutional Court shall be the only authority of constitutional jurisdiction in Romania.
- (2) The Constitutional Court shall be independent of any other public authority, and it shall be subject only to the Constitution and to the present law.
- (3) The purpose of the Constitutional Court is to warrant the supremacy of the Constitution.

Article 2 [Tasks]

- (1) The Constitutional Court shall control the constitutionality of the laws, of the standing orders of the Parliament, and of the statutory orders of the Government.
- (2) The provisions of the normative acts under Paragraph (1) above, which infringe the stipulations or principles of the Constitution, shall be unconstitutional.

Article 3 [Competence]

- (1) The competence of the Constitutional Court cannot be contested by any other public authority.
- (2) According to Article [144](#) of the Constitution, the Constitutional Court shall be the only authority entitled to decide upon its competence.

Article 4 [Independence of Judges]

- (1) The Judges of the Constitutional Court shall be independent in the exercising of their attributions and irremovable during the term of office.
- (2) The Judges of the Constitutional Court cannot be held responsible for their opinions and for the votes cast in adopting decisions.

Article 5 [Right to Information]

Public authorities, institutions, self-managed public companies, trading companies, and all the other organizations shall have to communicate any information, documents, and deeds they hold, and which are requested by the Constitutional Court for the fulfillment of its attributions.

Article 6 [Location]

The head office of the Constitutional Court shall be in the Municipality of Bucharest.

Chapter II Organization of the Constitutional Court

Article 7 [Judges]

- (1) The Constitutional Court shall consist of nine Judges appointed for a term of office of nine years, that cannot be prolonged or renewed.
- (2) Three Judges shall be appointed by the Chamber of Deputies, three by the Senate, and three by the President of Romania.
- (3) The Constitutional Court shall be renewed by one third of the Judges' number every three years.
- (4) By the vote of the majority of its members, on the proposal of its Standing Bureau, and on the recommendation of the Legal Committee, each Chamber of Parliament shall appoint, in the capacity of judge, that person who has got the majority of votes.
- (5) Candidatures may be handed in to the Legal Committee by the Parliamentary Groups, by Deputies, and by Senators. Each candidate shall hand in a *curriculum vitae* and documents proving that he or she meets the conditions stipulated by the Constitution. The candidates shall be heard by the Legal Committee and by the plenum of the Chamber. The report of the Legal Committee shall be motivated with reference to all candidates.

Article 8 [Panels, Quorum]

- (1) The Constitutional Court shall carry on its activity in plenum or in Panels of Jurisdiction, formed under the conditions of the present law.
- (2) The quorum for the plenum of the Constitutional Court shall be of two thirds of the number of Judges of the Court.

Article 9 [President]

- (1) The Constitutional Court shall have a President elected by secret ballot for a period of three years, by majority of the Judges' votes, within five days from the renewal of the Court.
- (2) For the election of the President, each group of Judges appointed by the Chamber of Deputies, the Senate, and, respectively, by the President of Romania may propose a single candidature. If at the first ballot no candidate gets a majority of votes, a second ballot shall be taken between the first two candidates classified or selected by drawing lots, if all candidates have received the same number of votes. Proceedings for the election of the President shall be conducted by the oldest Judge.
- (3) The President shall appoint a Judge to replace him while absent.

Article 10 [Vacancy]

- (1) In case of vacancy of office, a President shall be elected to act up to the end of the period of three years provided under Article [9 \(1\)](#).
- (2) The election shall take place according to the procedure provided under Article [9 \(2\)](#), within five days from the finding of the vacancy.

Article 11 [Tasks of the President]

- (1) The President of the Constitutional Court shall have the following attributions:
 - (a) to co-ordinate the activity of the Constitutional Court, and to distribute the cases for resolving;
 - (b) to summon and preside over the plenary sessions of the Constitutional Court;
 - (c) to represent the Constitutional Court before public authorities and other Romanian or foreign organizations;
 - (d) to establish the cases of cessation of the Judges' mandates, as provided in the present law, and to inform the public authorities that have appointed them for filling the vacant post; and
 - (e) to fulfil other attributions provided by the law or by the regulations governing the organization and operation of the Constitutional Court.
- (2) The President of the Constitutional Court shall be entitled to authorize credits from the budget.

Chapter III Competence of the Constitutional Court

Section 1 Common Provisions

Article 12 [Institution of Proceedings]

- (1) Institutions of proceedings can be made before the Constitutional Court only for the cases expressly and limitatively provided under Article [144](#) of the Constitution and under the conditions established according to the present law.
- (2) The institutions of proceedings shall be made in writing and they shall be motivated.

Article 13 [Judgments]

- (1) According to the competence established under Article [144](#) of the Constitution, the Constitutional Court shall pronounce decisions, judgments, and it shall issue advisory opinions, as follows: A) Decisions, in cases in which: a) it shall pronounce on the constitutionality of the laws, before their promulgation, when a case was submitted by the President of Romania, by one of the Presidents of the two Chambers of Parliament, by the Government, by the Supreme Court of Justice, by a number of at least fifty Deputies or of at least twenty-five Senators, as well as *ex officio*, on initiatives of revision of the Constitution; b) it shall pronounce on the constitutionality of the Standing Orders of the Parliament, when a case was submitted by one of the Presidents of the two Chambers, by a parliamentary group, or by a number of at least fifty Deputies or of at least twenty-five Senators; c) it shall decide on the exceptions raised before courts of law regarding the unconstitutionality of the laws and statutory orders; and d) it shall decide on the objections regarding the constitutionality of a political party. B) Judgments, in cases in which: a) it shall supervise the observance of the procedure for the election of the President of Romania and it shall confirm the returns of the suffrage; b) it shall ascertain the existence of circumstances which justify the interim in the exercise of the Office of the President of Romania and it shall report its findings to the Parliament and to the Government; c) it shall supervise the observance of the procedure for the organization and carrying out of a referendum and it shall confirm its returns; and d) it shall verify the fulfillment of the condition for the exercising of the legislative initiative by the citizens. C) Advisory opinions on the proposal to suspend the President of Romania from office.
- (2) Decisions and judgments shall be delivered in the name of the law.

Article 14 [Publicity]

- (1) The sessions of judgement shall be open, unless, with good reason, the President of the Court or the Panel of Judges shall decide on a secret session.
- (2) The parties involved shall have access to the deeds of the case.
- (3) The acts and proceedings of the Constitutional Court, on the basis of which it shall pronounce its decisions and judgments or it shall issue its advisory opinions provided under Article [13](#), shall not be made public.

Article 15 [Petitions]

Petitions addressed to the Constitutional Court shall be exempt from revenue-stamp.

Article 16 [Procedural Codes]

The jurisdictional procedure provided under the present law shall be supplemented by the rules of the Code of Civil Procedure, to the extent to which they are compatible with the nature of the proceedings before the Constitutional Court. The compatibility shall be decided exclusively by the Constitutional Court.

Section 2 Jurisdictional Procedure

Article 17 [Control Before Promulgation]

- (1) When a case is submitted by the President of Romania, by one of the Presidents of the two Chambers of Parliament, by the Government, by the Supreme Court of Justice, by a number of at least fifty Deputies or of least twenty-five Senators, the Constitutional Court shall pronounce on the constitutionality of the laws before their promulgation.
- (2) In order to exercise the right to submit a case to the Constitutional Court, the law shall be reported to the Government and to the Supreme Court of Justice, and it shall be handed in to the Secretary General of the Chamber of Deputies and of the Senate five days before it is presented for promulgation. If the law has been passed under an expeditious procedure, the term shall be of two days.
- (3) The date on which the law has been handed in to the Secretaries General of the two Chambers shall be brought to the notice of the plenum of each Chamber within twenty-four hours from its registration. The handing in and the notification shall be made only on the days in which the Chambers of Parliament sit in plenum.
- (4) When a case is submitted to the Court by Members of Parliament, the act on the respective case shall be sent to the Constitutional Court on the same day when it was received by the Secretary General of the respective Chamber.

Article 18 [Information]

- (1) In case an institution of proceedings has been made by one of the Presidents of the two Chambers of Parliament, by the Members of Parliament, by the Government or by the Supreme Court of Justice, the Court shall inform the President of Romania of the act on the case received, on the day of its registration.
- (2) If the institution of proceedings was made by the President of Romania, by the Members of Parliament or by the Supreme Court of Justice, the Constitutional Court shall inform the Presidents of the two Chambers of Parliament and the Government within twenty-four hours from the registration, also specifying the date when the debates are to take place.

Article 19 [Presentations]

- (1) The Presidents of the two Chambers of Parliament and the Government may present their point of view in writing, by the date of the debates.
- (2) The Government's point of view shall be presented only under the signature of the Prime-Minister.

Article 20 [Debate]

- (1) The debate shall take place in the plenum of the Constitutional Court, with the participation of the Judges of the Court, on the basis of the act on the case submitted to the Court, of the deeds and of the viewpoints received, both on the provisions mentioned in the respective act and on those which cannot obviously and necessarily be dissociated.
- (2) Following upon deliberation, the decision shall be pronounced by the majority of the Judges' votes and it shall be notified to the President of Romania. The decision by which the unconstitutionality of the law is established shall also be notified to the Presidents of the two Chambers of Parliament, in order to open the procedure provided under [Article 145 \(1\)](#) of the Constitution.
- (3) The decision shall be published in the Official Monitor of Romania.

Article 21 [Control of Standing Orders]

- (1) The Constitutional Court shall pronounce on the constitutionality of the Standing Orders of Parliament, when a case is submitted to the Court by one of the Presidents of the two Chambers of Parliament, by a parliamentary group or by a number of at least fifty Deputies or at least twenty-five Senators.
- (2) In case the institution of proceedings is made by Members of Parliament, the act relating to it shall be sent to the Constitutional Court by the Secretary General of the Chamber to which they belong, on the same day when it was handed in, and the Constitutional Court shall inform the Presidents of the two Chambers of Parliament within twenty-four hours from the registration, specifying the date when the debate is to take place.
- (3) The Presidents of the two Chambers of Parliament may notify the viewpoints of the Standing Bureau, by the date of

the debates.

Article 22 [Debates, Information, Publication]

- (1) The debates shall take place in the plenum of the Constitutional Court, on the basis of the act on the case submitted to the Court and of the viewpoints received.
- (2) The decision shall be pronounced by the majority of votes of the Judges of the Court and it shall be brought to the notice of the Chamber whose standing orders were debated.
- (3) The decision shall be published in the Official Monitor of Romania.
- (4) If by the decision certain provisions of the standing orders are found unconstitutional, the Chamber whom the case was submitted to shall re-examine these provisions, in order to bring them in agreement with the stipulations of the Constitution.

Article 23 [Exceptions Before Instances]

- (1) The Constitutional Court shall pronounce upon the exceptions raised before instances referring to the unconstitutionality of laws and statutory orders.
- (2) If, in the course of a judgement, the instance finds, *ex officio*, or one of the parties pleads the unconstitutionality of a provision under a law or statutory order on which the judgment of the cause depends, the exception raised shall be sent to the Constitutional Court, in order to pronounce upon the constitutionality of that provision.
- (3) Legal provisions whose constitutionality has been established according to Article [145 \(1\)](#) of the Constitution cannot form the object of an exception.
- (4) A case shall be submitted to the Constitutional Court through an interlocutory judgment of the instance before which the exception of unconstitutionality was raised.
- (5) The interlocutory judgment shall include the parties' for and against viewpoints concerning the exception, and the opinion of the instance on the exception, together with the evidence provided by the parties. In case the exception has been raised by the Instance, *ex officio*, the interlocutory judgment shall be motivated, including also the arguments of the parties, as well as the necessary evidence.
- (6) During the period in which the exception of unconstitutionality is being examined, the instance may issue a motivated interlocutory judgment, ordering the suspension of the case. The interlocutory judgment is subject to appeal within five days from the date of the pronouncement.

Article 24 [Interlocutory Judgment]

- (1) On receiving the interlocutory judgment provided under Article [23 \(4\)](#), the President of the Constitutional Court shall appoint a Panel, consisting of three Judges and a President. The President of the Panel shall appoint one of the Judges as rapporteur.
- (2) In case the Judge appointed as rapporteur considers the exception obviously groundless or infringing the provisions of Article [23 \(3\)](#), he shall inform the President for summoning the Panel of Judges, who may decide, by unanimity of votes, to repel the exception without summoning the parties.
- (3) In case the provisions of Paragraph (2) are not applicable, the Judge-rapporteur shall be bound to notify each Chamber of Parliament and the Government of the interlocutory judgment by which the Constitutional Court was apprised, indicating the date by which they can hand in their viewpoint, and he shall ensure that the necessary measures are taken for evidence to be given by the date of judgment.
- (4) The judgment shall take place on the strength of the report presented by the Judge-rapporteur, of the interlocutory judgment by which the Constitutional Court was notified, of the viewpoints presented according to Paragraph (3) above, of the given evidence, of the parties' arguments, with the summoning of these parties and of the Public Ministry.
- (5) The parties may be represented by lawyers having the right to plead before the Supreme Court of Justice.

Article 25 [Proceedings on Appeal]

- (1) Proceedings may be instituted against the decision only by an appeal, which shall be lodged within ten days from

the notification.

(2) The appeal shall be judged by a Panel consisting of five Judges, one of whom shall be the President of the Constitutional Court or his deputy, who shall preside.

(3) If the appeal is admitted, the appeal instance, by the same decision, shall also pronounce upon the exception of unconstitutionality.

(4) The decision of the court of first instance and the decision of the appeal instance shall be taken by majority of votes.

Article 26 [Retrial in Case of Unconstitutionality]

(1) The final decision by which the unconstitutionality of a law or of a statutory order is established shall constitute legal ground for a retrial of the case in a civil lawsuit, at the request of the party which has claimed the exception of unconstitutionality.

(2) In criminal trials, the decision provided under Paragraph (1) above shall constitute legal ground for the retrial of the cases in which the sentence was pronounced on the basis of the legal provisions which was declared unconstitutional.

(3) The provisions of Paragraphs (1) and (2) shall apply only to legal relationship established after the coming into force of the 1991 Constitution. The compensation of damages incurred before the coming into force of the 1991 Constitution shall be regulated by law.

(4) The final decisions pronounced under the conditions of Paragraphs (1) and (2) shall be notified to the two Chambers of Parliament, and to the Government.

(5) The final decisions shall be published in the Official Monitor of Romania, they shall be compulsory, and with effect only for the future.

Article 27 [Supervising Presidential Elections]

The Constitutional Court shall supervise the observance of the procedure for the election of the President of Romania, and it shall confirm the ballot returns under the conditions stipulated by the law for the Election of the President of Romania.

Article 28 [Majority]

The judgments of the Constitutional Court shall be adopted in plenum by majority of votes of the Court's Judges.

Article 29 [Unconstitutionality of Political Parties]

(1) The Constitutional Court shall decide on objections regarding the constitutionality of a political party.

(2) The objection on the constitutionality of a political party may be formulated by the President of one of the Chambers of Parliament, or by the Government. The President of the Chamber may formulate the objection only on the basis of a decision adopted by the Chamber by the majority of votes of its members.

(3) The objection has to be motivated, and the evidence on which it rests must be annexed.

Article 30 [Defence of Political Party]

(1) In order to resolve the objection, the President of the Constitutional Court shall designate a Judge-rapporteur, who shall have to notify the political party in question on the respective objection, together with the proving deeds, precisely stating the date by which a memorial in defence can be laid before the Court, together with the appropriate evidence.

(2) The objection shall be judged by the plenum of the Constitutional Court, with summoning of the objector, of the political part whose constitutionality is contested. and of the Public Ministry, on the basis of the report presented by the Judge designated to this end, and of the given evidence, and the decision shall be pronounced by majority of votes of the Court's Judges.

(3) The Chamber of Parliament which has handed in the objection can be represented by a person it shall designate, and the Government shall be represented by the Ministry of Justice. The political party can also be represented by a lawyer having the right to plead before the Supreme Court of Justice.

(4) The decision of the Court shall not be subject to any appeal, and it shall be published in the Official Monitor of Romania.

Article 31 [Decision Regarding Political Party]

- (1) Political parties can be declared unconstitutional in the cases provided under Article [37 \(2\)](#) of the Constitution.
- (2) The decision granting the objection shall be notified to the Tribunal of the Municipality of Bucharest for striking the unconstitutional party from the register of lawfully constituted political parties.

Article 32 [Suspension of President Proceedings]

- (1) The Constitutional Court shall give advisory opinion on the proposal to suspend the President of Romania from office.
- (2) A copy of the proposal to suspend the President of Romania from office, together with the evidence on which it is based, shall be sent to the Constitutional Court by the President who presided the common session of the two Chambers.
- (3) On receiving the suit, the President of the Constitutional Court shall designate three Judges as rapporteurs, one of the three Judges appointed separately by the Chamber of Deputies, the Senate, and by the President of Romania, who shall carry out all the necessary investigations.

Article 33 [Defence of President]

- (1) The advisory opinion on the suspension of the President of Romania from office shall be issued by the plenum of the Constitutional Court, by majority of votes of the Court's Judges, on the basis of a debate on the report presented by the three Judges designated for this purpose, on the proposal of suspension, on the given evidence, and on the effected investigations.
- (2) The President of Romania shall be notified of the date fixed for the debate, and he may offer explanations regarding the deeds he is charged with.
- (3) The advisory opinion of the Constitutional Court shall be notified to the Presidents of the two Chambers of Parliament, and to the President of Romania.

Article 34 [Presidential Vacancy Proceedings]

- (1) The Constitutional Court shall establish the reality of the circumstances justifying the interim in the exercising of the office of President of Romania, and it shall notify its findings to the Parliament and to the Government.
- (2) The vacancy of the office of President of Romania shall be established at the request of one of the Presidents of the Chambers of Parliament, or of the President *ad interim*, exercising the attributions of the President of Romania while the President is suspended from office.
- (3) In case the President of Romania has been suspended from office, the request to establish the circumstances justifying the interim shall be made by the President who presided over the proceedings of the common session of the two Chambers of Parliament, on the basis of the decision adopted at the common session.
- (4) If the interim of the office of President of Romania is due to a temporary incapacity to exercise the presidential attributions, the request shall be made by the President of Romania, or by the President of one of the Chambers of Parliament.

Article 35 [Pronouncing on Interim of Presidency]

The request for establishing the reality of the circumstances justifying the interim in the office of President of Romania shall be presented together with the necessary evidence, and the finding of these circumstances shall be pronounced by the plenum of the Constitutional Court, by majority of the Judges' votes.

Section 3 Other Provisions

Article 36 [Control of Public Initiative]

The procedure for checking on compliance with the conditions for the exercising of the legislative initiative by citizens,

of checking on observance of the rules for the organization and conduct of a referendum, and for confirming its returns shall be established by the laws regulating these activities.

Article 37 [Constitutionality of Amendments]

(1) Before submitting the case to the Parliament, in order to initiate the legislative procedure for the revision of the Constitution, the bill or the legislative proposal shall be handed in to the Constitutional Court, which shall have to pronounce on its constitutionality within ten days.

(2) The decision of the Constitutional Court shall be pronounced in plenum by the vote of two thirds of the number of Judges of the Court, and it shall be notified to the initiators of the bill or legislative proposal, or to their representative, as the case may be. The decision shall be published in the Official Monitor of Romania.

(3) The bill or legislative proposal can be presented to the Parliament only together with the decision of the Constitutional Court, notified according to Paragraph (2).

Chapter IV Judges

Article 38 [Eligibility, Incompatibility]

(1) The Judges of the Constitutional Court must have graduated in law, must have high professional competence, and at least eighteen years experience in juristic or academic activities in law.

(2) The office of Judge at the Constitutional Court is incompatible with any other public or private office, except that of academic profession.

Article 39 [Appointment]

The appointment of the Judges under the conditions of the present law can be made only with the previous agreement of the candidate, expressed in writing. In case the candidate holds an office incompatible with that of Judge at the Constitutional Court, or he is a member of a political party, the agreement shall necessarily include the candidate's engagement to resign from that office, or from the political party whose member he or she is, on the day of the appointment.

Article 40

(1) Judges of the Constitutional Court shall take before the President of Romania, and the Presidents of the two Chambers of Parliament, the following oath:

"I swear to respect and abide by the Constitution, and to fulfil in good faith and without partiality my obligations as Judge of the Constitutional Court. So help me God!"

(2) The oath shall be taken individually. The Judges of the Constitutional Court shall exercise their office from the date of their taking the oath.

Article 41 [Obligations]

The Judges of the Constitutional Court shall be under an obligation:

- a) to perform their function without bias and respecting the Constitution;
- b) to keep the secret of the deliberations and of the votes, and not to take a public stand, or to give legal opinion in matters within the competence of the Constitutional Court;
- c) to express their affirmative or negative vote in adopting the deeds of the Constitutional Court, abstention from voting not being permitted;
- d) to impart to the President of the Constitutional Court any activity which might entail incompatibility with the mandate exercised;
- e) to preclude the use of the office performed for purposes of trade publicity or propaganda of any kind whatsoever; and
- f) to abstain from any activity or manifestation contrary to the independence or dignity of their office.

Article 42 [Discipline]

The plenum of the Constitutional Court shall be exclusively competent to establish the Judges' infringements of discipline, the sanctions, and the mode of their application.

Article 43 [Immunity]

(1) The Judges of the Constitutional Court cannot be arrested, nor can they be prosecuted for criminal offenses or for infringements, unless approved by the Standing Office of the Chamber of Deputies, or of the Senate, or by the President of Romania, as the case may be, and at the request of the Prosecutor General.

(2) The legal competence for the offenses committed by Judges of the Constitutional Court shall belong to the criminal division of the Supreme Court of Justice.

(3) The judge of the Constitutional Court shall be suspended from office, *de jure*, from the date when the proceedings for criminal offenses were instituted. In case of a final sentence, the judge shall be excluded *de jure*, and in case of a not guilty verdict, the suspension shall cease.

Article 44 [End of Office]

(1) The mandate of Judge of the Constitutional Court shall cease: a) on expiration of the term of appointment, or in case of resignation, disfranchisement, exclusion *de jure*, or of death; b) in situations of incompatibility, or of impossibility of exercising the office of Judge for a period longer than six months; and c) in case of infringement of the provisions of Article [16 \(3\)](#) or [37 \(3\)](#) of the Constitution, or of severe infringement of the obligations provided under Article [41](#).

(2) The establishment of the cessation of the mandate, according to Paragraph (1)(a), shall be made by the President of the Constitutional Court, and in the other cases the cessation of the mandate shall be decided in plenum by majority of votes of the Court's Judges.

Article 45 [New Appointment]

(1) Three months before expiration of the mandate of each Judge, the President of the Court shall notify the President of the Chamber of Parliament which has appointed the Judge or, as the case may be, the President of Romania, soliciting the appointment of another Judge in his or her place; the appointment shall be made at least one month before the cessation of the mandate of the preceding Judge.

(2) In case the mandate has ceased before the expiration of the duration for which the Judge was appointed, and the remaining period exceeds six months, the President shall notify the public authority provided under Paragraph (1), within three days at the most from the date of cessation of the mandate, in order to appoint a new Judge. The mandate of the Judge thus appointed shall cease at the expiration of the mandate of the Judge replaced.

(3) In case the period for which the new Judge has been appointed according to Paragraph (2) is shorter than three years, on renewal of the Constitutional Court, the respective Judge can be appointed for a full mandate of nine years.

Article 46 [Right to Resume Position]

(1) After cessation of the mandate as a result of the expiration of the period for which it was granted, the Judge shall have the right to resume the position previously held, if his or her appointment to the Constitutional Court was made on condition of its reservation.

(2) In case the Judge held a magistrate office, the reservation of the office is obligatory.

(3) During the period it is reserved, the office provided under Paragraphs (1) and (2) can be occupied only by labor contract for a determined duration.

Article 47 [Supreme Court]

The President of the Constitutional Court shall be assimilated with the President of the Supreme Court of Justice, and the Judges of the Constitutional Court, with the Vice-President of the Supreme Court of Justice.

Chapter V Specialized Administrative Personnel

Article 48 [Assistant-Magistrates]

- (1) The Constitutional Court shall have seven Assistant-Magistrates, subordinated to the President of the Court.
- (2) The Assistant-Magistrates must be graduated in law, and they shall have at least ten years' experience in juristic or academic activities in law. They shall be taken by competitive examination. The Board of Examiners shall be appointed by the President of the Constitutional Court, and it shall consist of five Judges of the Court.
- (3) The Assistant-Magistrates shall be assimilated with the Legal Advisers from the Supreme Court of Justice.
- (4) The Assistant-Magistrates shall participate in the preparation of the proceedings and in the drawing up of the deeds issued by the Constitutional Court, and they can be consulted in deliberations. They shall also have the obligations provided under Article [41](#), which shall be accordingly applied.

Article 49 [Secretariat]

- (1) The Secretariat of the Constitutional Court shall be conducted by a Head-Secretary, assimilated to the office of Head Legal Adviser of the Supreme Court of Justice.
- (2) The classified list of functions of the Secretariat of the Constitutional Court, and the number of specialized and administrative personnel shall be approved by the plenum of the Court. Within the Secretariat there shall function a Documentation, Research, and Computing Department and other departments necessary to the activity of the Court.
- (3) The Head-Secretary shall fulfil his or her activity under the guidance of the President of the Constitutional Court. He or she shall ensure the preparation and organization of the proceedings of the Court.
- (4) The attributions of the Head-Secretary, and those of the personnel of the Secretariat of the Constitutional Court shall be established by its Organization and Operation Rule.
- (5) The wages of the personnel of the Court's Secretariat shall be established in keeping with the law on the Remuneration of the Personnel of the Supreme Court of Justice.

Chapter VI Sanctions^{1/4} Final and Transitory Provisions

Article 50 [Budget]

- (1) The Constitutional Court shall have its own budget, which shall be included in the State budget.
- (2) The draft of the budget shall be approved by majority of votes of the Court's Judges, and it shall be forwarded to the Government in order to be checked and included in the State budget.

Article 51 [First Appointments]

- (1) The first Constitutional Court shall be set up within ten days at the most from the publishing date of the present law in the Official Monitor of Romania.
- (2) To this end, each Chamber of Parliament shall appoint three Judges for a period of three, six, and nine years, observing the provisions of Article [7\(4\)](#). The Judges shall be appointed according to the number of votes expressed for each candidate. Likewise, the President of Romania shall appoint three Judges for the same periods.
- (3) Within three days from its setting up, the Court shall elect a President, and within ten days it shall adopt the Organization and Operation Rule.

Article 52 [Sanctions for Groundless Claims]

When the Constitutional Court shall find that an exception of unconstitutionality is groundless, and that it has been raised in bad faith in order to protract the settlement of an action at law, it can sanction the party which has invoked the exception with a fine from 10,000 to 100,000 lei.

Article 53 [Sanction for Delayed Information]

The refusal of a public authority, or of any organization to convey information, documents, and deeds it holds, and which are requested by the Constitutional Court, shall be sanctioned with a fine of 10,000 lei for every day of delay.

Article 54 [Fining Procedure]

- (1) The fines provided under Article [52](#) and [53](#) shall be applied by the President of the Constitutional Court, or by the President of the Panel of Judges, by a motivated interlocutory judgment.
- (2) A complaint may be lodged against the interlocutory judgment, within thirty days from its notification, and it shall be settled by the body which has applied the fine. The interlocutory judgment is final and executory. The sums of money from fines shall be entered as revenue to the State budget.

Article 55 [First Budget]

For the year 1992, the sums required for the operation of the Constitutional Court shall be provided by the Government from the budgetary reserve existing at its disposal