


Member State law - Romania

 Please note that the original language version of this page [ro](#) has been amended recently. The language version you are now viewing is currently being prepared by our translators.

This page provides information on the Romanian legal system and an overview of Romanian law.

Sources of law

Sources of Romanian law are:

- The Romanian Constitution;
- Laws adopted by the Parliament (constitutional laws, organic laws and ordinary laws);
- Decrees of the Romanian President;
- Government legislative acts (orders, emergency orders, decisions);
- Legislative acts issued by the central government administration (ministerial orders, instructions and regulations);
- Legislative acts issued by the local government administration (County Councils, Local Councils, Bucharest General Council);
- EU legislation (regulations, directives);
- International treaties to which Romania is party.

Types of legal instruments - description

The Romanian legal framework includes the following legal instruments:

- **The Constitution** is Romania's supreme law. It regulates the structure of Romania as a national, unitary and indivisible State, the relations between executive, legislative and judicial power and between State bodies, citizens, and legal persons.
- Constitutional laws emanate from the constituent power - i.e. from the constituent assembly elected and convened for that purpose.
- **Organic laws** regulate areas of high importance to the State, such as the state borders, Romanian citizenship, the state coat of arms and the state seal, the legal arrangements for property and inheritance, the organisation and holding of referenda, criminal offences, sentences and the rules on the serving of sentences, the organisation and functioning of the Superior Council of Magistracy, of the courts, of the Public Prosecution Service and the Court of Accounts, the rights of individuals who are harmed by a public authority, national defence, the organisation of Government bodies, political parties.
- **Ordinary laws** regulate all other areas which are not covered by organic laws. An ordinary law cannot amend or modify a higher norm, such as an organic law or the Constitution.
- In special cases (Parliamentary recesses) certain areas, as determined by the Parliament, can, on the basis of a legislative delegation, be regulated by **government orders**. Such orders are issued on the basis of a special act of empowerment, within the limits and under the conditions laid down by that act. In emergency situations, the Government can issue emergency orders in any area if considered necessary.
- **Government decisions** determine how laws are to be effectively implemented and other various organisational aspects of their implementation.
- **legislative acts issued by the central government administration** (orders and instructions) are issued only on the basis of and in order to implement laws, Government decisions and Government orders.
- **acts of autonomous administrative authorities**

- **legislative acts issued by local government administration** (County Councils, Local Councils, Bucharest General Council) regulate areas that fall within the competence of local government authorities.

Other sources of law

- The ECHR case-law and EU courts' case-law.
- Whilst national case-law is not a source of law, decisions by the High Court of Cassation and Justice in order to ensure the uniform interpretation of certain law provisions unquestionably represent secondary sources of law. In addition, decisions of the Constitutional Court that produce effects *erga omnes* and not *inter partes litigantes* may be regarded as secondary sources of law.
- Pursuant to Article 1 of Law No 287/2009 on the Civil Code, sources of civil law may be the law, **practices and general principles of law**. By 'practices' we mean tradition (customs) and professional practices.
- The provisions referred to above set out the following rules for applying practices as a source of law:
 - practices apply in cases not provided for by law. Where no practices exist, the legal provisions on similar situations apply, and when no such provisions exist, the general principles of law apply.
 - in matters regulated by law, practices apply only where the law makes explicit reference to them.
 - only practices that are in line with public policy and accepted principles of morality may be recognised as sources of law.
 - the interested party must prove the existence of practices and their content. Practices published in collections drawn up by bodies or organisations authorised in the field are presumed to exist until proven otherwise.

Hierarchy of norms

The Romanian hierarchy of norms is as follows:

- The Romanian Constitution and constitutional laws are at the top of the hierarchy of norms. All other pieces of legislation and norms must comply with them.
- Organic laws are in second position in the legal hierarchy. The Parliament adopts organic laws by qualified majority.
- Ordinary laws are the third category of legal norms. The Parliament adopts ordinary laws by simplified majority. An ordinary law cannot amend or modify organic laws or the Constitution.
- Government orders are the fourth category of norms.
- Government decisions are the fifth category of norms in the legal hierarchy;
- Legislative acts issued by central government administration and by autonomous administrative authorities are the sixth category of norms in the legal hierarchy.
- Legislative acts issued by the local government administration (County Councils, Local Councils, Bucharest General Council) hold the lowest position in the hierarchy of norms.

Institutional framework

Institutions responsible for the adoption of legislation

Under the Constitution, the State is founded on constitutional democracy principles of **the separation of powers** (legislative, executive and judicial) **and on the principles of the balance of power and of checks and balances**.

Power is also split between and exercised by the Parliament, the Government and Judicial authorities. The Constitutional Court, the Romanian Ombudsman, the Court of Accounts and the Legislative Council also guarantee the balance of power between public authorities and citizens.

The Parliament is citizens' supreme representative organ and the only legislative authority of the country. It is made up of [the Chamber of Deputies](#) and [the Senate](#). In principle, **legislative power** is exclusive to the Parliament, but in certain cases, it shares this function with the executive (Government) and the electorate (citizens).

[The Government](#) may issue orders, on the basis of a specific law of empowerment adopted by the Parliament. In exceptional emergency circumstances which must be addressed urgently, the Government may also issue emergency orders.

The legislative decision-making process

The legislative decision-making process is composed of three phases:

1. The governmental phase or the pre-parliamentary stage refers to:

- the drawing up and adoption at government level of the draft legislative act;
- the submission of the draft legislative act to public debate, under the conditions laid down by law;
- endorsement by the Legislative Council, inter-ministerial endorsement and endorsement by other institutions;
- adoption at government level of the draft legislative act.

2. The parliamentary phase refers to:

- the transmission of the draft legislative act to one of the Chambers of Parliament (the Chamber of Deputies or the Senate as first chamber), depending on the competences established by the Romanian Constitution;
- discussion and adoption of the report/opinion on the draft legislative act in the standing parliamentary committees (in some situations special committees may be constituted);
- in the plenary session, the First Chamber pronounces on the draft legislative acts and legislative proposals referred to it. The first Chamber has 45 days to pronounce on draft legislative acts and legislative proposals, starting from the date when they are presented before the Parliament Standing Bureau.
- In the case of codes or other particularly complex laws, the deadline is 60 days from the date when they are presented before the Standing Bureau.
- For Government emergency orders, the deadline is 30 days.
- In the event that the deadline is exceeded, the draft legislative act or legislative proposal is considered adopted and is forwarded to the Chamber of Deputies, which takes the final decision.

Draft legislative acts/legislative proposals are then voted on (admitted or rejected) and forwarded to the Decisional Chamber (the Chamber of Deputies or the Senate), which adopts the final version of the legislative act.

3. The post-parliamentary phase refers to:

- the constitutionality control of the law (*a priori* control) (the Constitutional Court confirms that the law is compatible with the Constitution). This check may be requested by the Romanian President, the President of one of the Chambers, the Government, the High Court of Cassation and Justice, the Romanian Ombudsman, or by at least 50 deputies or at least 25 senators. It may also be carried out ex-officio.
- Finally **the law is promulgated** by the President within 20 days of its reception. If the President requests the re-examination of the law (such a request may be made once only) or the examination of its constitutionality, the law is to be promulgated within 10 days of its reception after its re-examination or after receipt of the confirmation of its compliance with the Constitution from the Constitutional Court.
- The law enters into force within three days of its publication in the Romanian Official Gazette, Part I, or at a later date mentioned in the law.

Legal databases

A [Romanian legal database](#), designed, administered and updated by the Legislative Council provides public access free of charge to Romanian legislation.

This is the online version of the *Repertoriul legislației României*® [Romanian Legislative Directory] – the official record of Romanian legislation, which provides precise and correct information on the legal status of each law at different moments in time.

The database covers the period from 1864 to the present.

Data may be accessed using the following search criteria:

- Category/type of legislative act;
- Number;
- Year (period) of issue;
- Publication interval;

- Official publication (type, number, year);
- keywords in the title;
- Status of the act (in force, no longer in force);
- Other criteria (legislative, individual/published, unpublished).

The intranet of the **Legislative Council** hosts a database updated with detailed legal information needed for the specific activity of endorsing draft legislative acts or for the provision of information of use in the legislative process.

Another legal [database](#) (although organised differently) can be accessed from the website of the [Chamber of Deputies](#) (one of the chambers of Parliament). Searches may be carried out by:

- Type of legislative act;
- Number;
- Date;
- Public authority which issued the legislative act;
- Date of publication and the keywords (both in the title and the main text of the act).

Is access to the database free of charge?

Yes, access to the database is **free of charge**.

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.

Last update: 20/03/2014