LAW
on the setting up, organization and operation of the Legislative Council

REGULATIONS
on Legislative Council organization and operation
The Law No. 73/November 3, 1993 — Law on the setting up, organization and operation of the Legislative Council — was published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 260, November 5, 1993.

CHAPTER I
The setting up and powers of the Legislative Council

Art. 1. — (1) On the date of the coming into force of the present law, it should be set up the Legislative Council, a specialist body of the Parliament, which shall give its advice on the drafts of normative acts with a view to the systematization, unification and coordination of the whole legislation; it shall keep the official record of the legislation of Romania.

(2) The Legislative Council shall have its seat at the Chamber of Deputies.

Art. 2. — (1) The Legislative Council shall have the following powers:

a) to analyze and give its opinion on the bills, legislative proposals and the government's statutory orders and decision drafts having a normative character, with a view to their submission for legislating or enactment, as the case may be;

b) to analyze and give its opinion, at the request of the president of the Parliamentary Committee which debates in substance on amendments submitted to the Committee, and the bills or legislative proposals received by the Committee after their endorsement by one of the Chambers of Parliament;

c) to carry out directly or to coordinate, on the disposition of the Chamber of Deputies or of the Senate, the elaboration of certain drafts of codes or other laws of a particular complexity;

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d) to work out on the disposition of the Chamber of Deputies or of the Senate, or on its own initiative, studies for the systematization, unification and coordination of the legislation and, on this basis, to make proposals to the Parliament or the Government, as the case may be;

e) to examine the conformity of the legislation with the provisions and principles of the Constitution, and to inform the standing bureaus of the Chambers of the Parliament or the Government, as the case may be, about the cases of unconstitutionality established; to present within 12 months at the most from its setting up, proposals for accommodation of the previous legislation with the provisions and principles of the present Constitution;

f) to keep an official record of the legislation and to organize data processing of the record system;

g) to coordinate the elaboration and publication of legislative indexes, collections of normative acts, in Romanian and in other languages, and to approve, with a view to publication, from the point of view of the conformity with the official record of the legislation, the collections elaborated by other authorities or natural or legal persons;

h) to keep an official record of the laws and of their promulgation decrees.

(2) The Legislative Council shall yearly submit to the Parliament the report on its activity.

Art. 3. — (1) The bills and the legislative proposals shall be submitted to the Parliament, for debating, with the advisory opinion of the Legislative Council.

(2) The advisory opinion shall be given within the term established by the Standing Bureau or by the Standing Committee of the Chamber of the Parliament which has requested it. If the advisory opinion is not given in the established term, this fact shall not prevent the development of the legislative proceedings.

(3) The advisory opinion is a consultative one and has as its object:

a) the conformity with the Constitution of the proposed regulation, as well as the nature of the law;

b) the elimination of the contradictions or of the non-correlations between the provisions of the bill or legislative proposal, and the ensuring of their complete character, the observance of the standards of legislative technique;

c) the indication of the implications of the new regulation on the legislation in force, through the identification of the legal provisions that, having the same object of regulation, are to be abrogated, amended or unified, as well as through the avoidance of the regulation of certain identical aspects in distinct normative acts.

(4) Within 6 months as from the coming into force of the law, the Legislative Council shall submit to the standing bureaus of the two Chambers the standards of legislative technique for the elaboration of the normative acts so that those interested should be able to exercise the right to legislative initiative.

Art. 4. — (1) The drafts for statutory orders and decisions having a normative character shall be submitted to the Government for adoption only under advisory opinion of the Legislative Council, regarding the legality of the planned measures, and the manner in which the exigencies provided under Article 3, paragraph (3) are achieved, exigencies which shall be applied adequately.

(2) The advisory opinion is a consultative one.

(3) The advisory opinion shall be given within the term requested by the Government, which term cannot be smaller than 10 days in the case of the bills with an ordinary procedure, and of 2 days in the case of bills with an emergency procedure. For the statutory orders provided under Article 114, paragraph (4) of the Constitution, the term is of 24 hours.

Art. 5. — (1) In fulfilling its powers, the Legislative Council shall cooperate with the public administrative authorities and with the public specialized institutions, according to the nature of the respective works.

(2) The public administrative authorities and the public specialized institutions are under the obligation to provide for, in the terms and conditions established by the Legislative Council, the information and reference material requested by it, and to afford the necessary support for carrying out its powers.
CHAPTER II
Organization of the Legislative Council

Art. 6. — (1) The Legislative Council is composed of the Division of public law, the Division of private law, and the Division of official record of legislation and of documentation.

(2) Each division has in its structure a number of sectors.

(3) The domains of activity of the divisions and sectors, as well as their powers should be established through the Regulations on Legislative Council organization and operation.

(4) The financial and bookkeeping works of the Legislative Council should be made by the specialized department of the Chamber of Deputies.

Art. 7. — (1) The Legislative Council shall be directed by the president of the Council, and each division, by a division president.

(2) The president of the Legislative Council, and the division presidents should be appointed by the majority vote of the Deputies and Senators met in joint session of the two Chambers of the Parliament, on the basis of three proposals made by the standing bureaus, for each office, with the advisory opinion of the joint juridical committees. The president of the Legislative Council and the division presidents shall exercise their powers as from the date of taking, individually, the oath provided under paragraph (3), before the presidents of the two Chambers.

(3) The oath should have the following contents: “I swear to observe the Constitution and the other laws of the Country, to defend the interests of Romania, the fundamental rights and freedoms of the citizens, and to fulfill with honour and professional conscience the charges incumbent upon me. So help me God!”

(4) The office of president of the Legislative Council shall be assimilated to that of a minister, and the office of division president, to that of a state secretary.

Art. 8. — (1) The president of the Legislative Council shall have the following powers:

a) to represent the Council before the Chamber of Deputies, the Senate and the other public authorities, as well as in the relations with natural and legal persons;

b) to sign the documents of the Council, which may be issued only with his consent;

c) to hire, in accordance with the law, the employees of the Council, excepting those appointed under the terms of the present law;

d) to exercise any other powers which are incumbent upon him, in accordance with the law.

(2) The president shall be a person entitled to authorize expenditure from the budget.

(3) The powers and duties of the division presidents shall be established by the organization and operation regulations of the Legislative Council.

(4) One of the division presidents, appointed by the president of the Council, shall be his deputy by right.

Art. 9. — (1) Each sector of a division shall be directed by one of the counsellors, excepting the research and documentation sector and the secretariat of the Legislative Council, which shall be directed each of them by a director.

(2) The counsellors and the directors shall be appointed by the president of the Council, with the approval of the standing bureaus of the Chambers of Parliament.

(3) The counsellors and the directors shall exercise their powers and duties as from the date of taking the oath provided under Article 7, paragraph (3), before the president of the Council and of the division where they are appointed.

(4) Every division president shall be assisted by one of the counsellors provided under paragraph (1), who shall be his deputy by right.

Art. 10. — The Regulations on Legislative Council organization and operation, and the list of posts shall be approved in the joint session of the standing bureaus of the two Chambers of Parliament, with the advisory opinion of the joint juridical committees.

CHAPTER III
Operation of the Legislative Council

Art. 11. — (1) The legislative proposals made by Deputies or Senators shall be forwarded to the Legislative Council, for endorsement, by the secretary general of the Chamber where they have been lodged, on the date of registering,
and the bills initiated by the Government, or the drafts of statutory orders or decisions of the Government, having a normative character, by its secretary general.

(2) To the bills there shall be attached the documents and information which were used to their elaboration.

(3) The Senators and Deputies who are authors of legislative proposals, the ministers, state secretaries and state under-secretaries may, of their own accord or at the invitation of the president of the Legislative Council, participate in the examination, in the Council's divisions, of the drafts of normative acts submitted to endorsement. They may be invited by the president of the Legislative Council to the examination, in order to be endorsed, of the drafts of normative acts in their field of activity irrespective of initiators.

Art. 12. — The drafts that constitute the object of the legislative initiative of the citizens shall be submitted for endorsement to the Legislative Council under the legal conditions stipulated by the law for the exercise of such initiative.

Art. 13. — (1) The advisory opinion of the Legislative Council shall be transmitted in a written form, under the president's signature.

(2) The favourable advisory opinions that are not accompanied by objections or proposals shall not be motivated. In the other cases, the advisory opinion shall include the complete motivation of each objection or proposal, and it shall be accompanied by the studies, documents and information they are based upon, those having a historical or comparative law character included, as the case may be.

(3) The advisory opinion cannot include appreciations of a political nature.

(4) The initiators or the authority which has solicited the advisory opinion may request Legislative Council additional explanations or may invite its president or his representative to the debate of the legislative proposals or endorsed bills.

Art. 14. — (1) The drafts of codes and other complex laws, directly elaborated by the Legislative Council or under its guidance shall be accompanied by a detailed report including the main solutions adopted, the results of the substantiation studies entered upon, references to jurisprudence and pertaining comparative law, the possible alternative solutions, measures for the systematization of the legislation imposed by the adoption of the proposed regulations, as well as any other similar aspects which may be of interest for the debate of the drafts.

(2) The report together with the regulation draft shall be submitted to the Parliament after their approval by the Government.

Art. 15. — (1) The advisory opinions and the other works of the Legislative Council should be debated in its divisions and sectors.

(2) The manner to work in the Legislative Council's divisions and sectors as well as the relations between them should be established by the Council's organization and operation regulations.

CHAPTER IV
The staff of the Legislative Council

Art. 16. — (1) In the offices of president of the Legislative Council, division president or counsellor there may be appointed persons who have only the Romanian citizenship and the place of residence in the country, who have graduated from law, who have also a good professional and moral reputation and at least 15 years experience in juridical activities.

(2) For the other offices in the structure of the Legislative Council's machinery, the conditions for appointment should be established by its organization and operation regulations.

(3) The specialist execution offices should be filled by competitive examination, in the terms of the law. The competitive examination should be organized by the Appointment and Discipline Committee of the Legislative Council, composed of 3 counsellors appointed by the president of the Legislative Council; the respective committee shall operate in keeping with the rules established through the organization and operation regulations.

Art. 17. — (1) The office of president of the Legislative Council, those of division president, of counsellor and...
expert are incompatible with any other public or private office, except that of academic professorial activity in Law. (2) The staff of the Legislative Council cannot belong to the political parties.

Art. 18. — (1) The offices of president of the Legislative Council, of division president, counsellor or expert shall cease by resignation in case of infringement of the provisions under Article 17, of disfranchisement, a final sentence for perpetration of a criminal offence, or in other situations stipulated by the law, as the case may be. (2) The cessation of the exercise of offices stipulated under paragraph (1) shall be established by the authorities in front of which those holding these offices have taken the oath.

Art. 19. — (1) The infringement of the provisions of the present law and of the stipulations of the organization and operation regulations of the Legislative Council shall involve the responsibility of the culprits and the application of the disciplinary penalties as stipulated by the law for the civil servants. (2) The president of the Legislative Council and the division presidents shall be interrogated for disciplinary transgressions by the joint juridical committees of the two Chambers, and the disciplinary penalties shall be applied by the standing bureaus of the Chamber of Deputies and of the Senate. (3) The execution specialist staff of the Council shall be investigated, for the disciplinary transgression committed, by the Appointment and Discipline Committee of the Legislative Council, in keeping with the terms of the law and of the organization and operation regulations.

Art. 20. — The remuneration of the execution specialist offices in the Legislative Council shall correspond to similar offices, in the machinery of the two Chambers of the Parliament.

Art. 21. — For the carrying out of certain works of a particular importance, the president of the Legislative Council may approve the consultation, as external co-workers, of certain experts of a high qualification who shall enjoy the corresponding rights due, in keeping with the law, to the external co-workers of the machinery of the Parliament's Chambers.

CHAPTER V
Final provisions

Art. 22. — (1) The budget of the Legislative Council is part of the state budget. (2) The budget draft shall be drawn up by the Legislative Council, with the Ministry of Finance's advisory opinion. (3) For the year 1993, the Government shall earmark, from the budgetary reserve at its disposal, the funds necessary to the organization and operation of the Legislative Council.

Art. 23. — The provisions under Article 5 shall be applied after 30 days from the coming into force of the organization and operation regulations of the Legislative Council.
REGULATIONS
on Legislative Council organization
and operation*

CHAPTER I
General provisions

Art. 1. – The Legislative Council, as a specialized consultative body of the Romanian Parliament, is organized and operates under the provisions of Law No. 73/1993 and these Regulations.

Art. 2. – These Regulations shall establish, in keeping with Articles 6, 8, 10, 15, 16 and 19 of Law No. 73/1993, the Legislative Council organizational structure, the advisory procedure for draft legislation and regulations, the powers and duties of its divisions and other units, the status of the staff, their powers, rights and duties as well as liabilities in case of infringement of discipline.

Likewise, measures are instituted hereunder for organizing the activity aimed to achieve a legislative systematization, uniformity and coordination, for establishing norms on the organization of the legislation official record and computerized database as well as for coordinating the preparation and publishing of legislative repertoires and collections of normative acts, in order to ensure the legislative information authenticity.

Art. 3. – The Legislative Council organization and structure must secure that its powers are fulfilled as provided under Article 2 of Law No. 73/1993.

To discharge the powers established under its organization and operation law, the Legislative Council shall mainly pursue the following aims:

1. Within the advisory activity for draft legislation or proposed amendments, it shall examine proposed regulations in the light of their legal conformity and the drafting technique, their accord with the legislative system, interconnections with, and incidence on other normative acts, as well as of implications that may arise therefrom. Likewise, it shall examine the consistency of proposed norms with the European Union regulations in order to ensure the harmonization of the Romanian law.

Examination of all bills and legislative proposals shall be made, in principal, in terms of the following legal aspects:

a) consistency of legislative choices contained in that draft with the provisions and principles of the Constitution;

b) correlation with the provisions of the international conventions to which Romania is a party;

c) the nature of the piece of legislation and the level of the normative act under examination as related to the powers established by the Constitution or other laws;

d) elimination of possible contradictions or inconsistencies from the text of that draft;

e) correlation of the draft with the normative acts at a higher level;

f) completeness of the specific regulation contained in that draft in relation to the subject area regulated thereby;

g) implications of the new regulation on the legislation in force and the way in which such are resolved in the draft text, through abrogation, amendments, supplements, as the case may be;

h) avoidance of possible redundancy of such regulations as against other normative acts;

i) the need to concentrate provisions on the same subject matter which are spread in several normative acts, into uniform regulations;

j) appropriate drafting of the text, in what concerns its clear wording, uniform terminology, proper systematization as well as the observance of other rules of legal drafting and methodology.

2. In order to put into accord the legislation enacted before the Constitution with the provisions and principles contained therein, and to provide for the systematization, uniformity and coordination of the Romanian law, the Legislative Council shall make an inventory of all existing

* The Regulations on the Legislative Council organization and operation was approved by the Decision No. 1 / February 26, 1996 of the Standing Bureaus of the Chamber of Deputies and Senate, both of them being published in the “Monitorul Oficial” (Official Gazette of Romania), Part I, No. 45/ February 29, 1996.
legislation so as to establish which legislation is effective, to submit proposals to repeal regulations where such are unconstitutional, or come against the current public order, or have been outdated, and to eliminate all legislative contradictions and inconsistencies.

Furthermore, in order to facilitate the law enforcing process as well as the access to legislation for every individual citizen, the Legislative Council shall forward a program for the codification of legislation to both the Parliament Chambers and the Government, and shall coordinate the operation of codification.

3. In order to modernize, optimize and computerize the legislative process and the legislation, the Legislative Council shall prepare and organize a legislative computerized program that constitutes itself as a national system that is interconnected to similar international systems and serves fundamental institutions in the State.

Art. 4. — In discharging its functions, the Legislative Council shall work together with the public administration authorities and specialized public institutions, as may be required by the nature of the work carried out. These bodies must provide, subject to the law, the information and documents sought by the Legislative Council, within the deadlines and under the terms established by the latter, and render all necessary support.

CHAPTER II
The Legislative Council organizational structure

Art. 5. — The Legislative Council is made up of the following divisions: the Division of public law, the Division of private law, and the Division of official record of legislation and of documentation.

The Legislative Council structure also includes the Department for harmonization of legislation with the European Community regulations, the Legislative Informatics Department, the Secretariat, the Public Relations, Protocol and Press Service, and the Organization, Human Resources and Litigation Bureau.

Art. 6. — The Legislative Council organizational structure and the register of positions are provided in Appendixes Nos. 1 and 2 herewith enclosed.

The roll of positions and the internal regulations shall be approved by the president of the Legislative Council.

CHAPTER III
The Legislative Council leadership

Art. 7. — The Legislative Council is headed by the president, each division being run by a division president.

Art. 8. — One of the division president is appointed by the president of the Legislative Council as his deputy by right.

Art. 9. — In discharging the powers bestowed on him by the law, the president of the Legislative Council shall:

a) manage all activities performed by the Legislative Council;
b) submit annual reports on the Legislative Council activity to the Parliament;
c) represent the Legislative Council before the Chamber of Deputies, the Senate and the other public authorities as well as in relation with legal and natural persons;
d) sign advisory opinions and other documents of the Legislative Council, that can be issued only with his approval;
e) convene the joint divisions and submit for their debate those issues as he deems necessary for the advisory activity and for the proper development of the Legislative Council activities;
f) chair the debates held in the Legislative Council joint divisions and draw the conclusions on the issues so debated upon;
g) assign work to the divisions and other units in the Legislative Council structure and follow accomplishment thereof;
h) approve appointment, promotion and dismissal of the staff, other than those provided under Article 7, paragraph (2) of the Law No. 73/1993; grant degrees, merit bonuses and other benefits, subject to legal provisions;
i) exercise the disciplinary authority, under the terms established by the law and these regulations;
j) approve the schedule of annual holidays;
k) approve the roll of positions, the salaries and the duties of the Legislative Council staff;
l) exercise the powers of the principal administrator of credits;
m) discharge any other powers devolving on him under the law.

Art. 10. – In discharging the powers related with the internal activities of the Legislative Council, the president shall issue orders.

CHAPTER IV
The Legislative Council divisions

Section 1
Divisions structure and area of activity

Art. 11. – The Legislative Council divisions are the following:
– the Division of public law no. 1;
– the Division of private law no. 2;
– the Division of official record of legislation and documentation no. 3.

Each division is headed by a president.
The division president is assisted by one of the heads of sectors who is his deputy by right and whose appointment is made by the president of the Legislative Council, on proposal from the respective division president.

Art. 12. – The divisions are composed of sectors which are set up according to criteria related to the nature of the legislation they examine and the activity profile.

Each sector within a division is headed by a counsellor, except the Research and Documentation Sector which is headed by a director.

Art. 13. – The Division of public law activity covers legislation in the following areas:
– constitutional and administrative law;
– criminal law and misdemeanors;
– budgetary, fiscal and monetary legislation;
– education, research, culture and arts;
– religious denominations;
– national defense, public order and national security;
– public international law relations.

Art. 14. – The Division of public law has the following sectors:
1. the Public Authorities and Constitutional Analysis Legislation Sector: this sector provides an analysis from a constitutional viewpoint of all the drafts and amendments to draft legislation submitted to the Legislative Council; it also examines the drafts in fields such as constitutional law, elections, human rights and national minorities rights, the organization and operation of the central and local public authorities and institutions as well as of the self-governed administrative authorities;
2. the Criminal and Misdemeanor Legislation Sector: regulations in the area of criminal law and criminal procedure, the regime of misdemeanors and penalties for misdemeanors;
3. the Budgetary, Fiscal and Monetary Legislation Sector: regulations on the state budget, the state social security budget and their enforcement; public finance; taxation system; monetary legislation and the currency circulation;
4. the Education, Research, Arts, Culture and Religion Legislation Sector: regulations on the educational system, scientific research and technological development; arts and culture; the legal regime of religious denominations; the legal regime of the media: the press, radio and television stations;
5. the Defense, Public Order and National Security Legislation Sector: regulations on national defense, public order and peace as well as national security of Romania;
6. the International Relations Legislation Sector: regulations on public international law.

Art. 15. – The Division of private law activity covers legislation in the following areas:
– civil law: substantive, procedure and conflict law norms;
– agriculture, forestry and associations;
– commercial and business legislation;
– competition and consumer protection;
– economy, industry and services;
– financial, banking, credit, payments and securities;
– social welfare, labor, social protection and aid;
– health and environmental protection.

Art. 16. – The Division of private law has the following sectors:
1. the Civil Legislation Sector: regulations on civil law, family law, civil procedure law, intellectual property law and private international law;
2. *the Agriculture and Associations’ Legislation Sector*: regulations on agrarian law, forestry law, the regime of associations, trades and liberal professions;

3. *the Commercial Legislation Sector*: regulations on business operations and entrepreneurs, stock exchange and commodities exchange, bank and financial operations, credits, payments and securities, insurance, credit titles and bonds, regulations on industrial property, competition and business litigation;

4. *the Economic and Privatization Legislation Sector*: regulations on the economic reform, privatization, self-managed public companies, the regime of entrepreneurial activities, industry, transportation and telecommunications, tourism and services;

5. *the Labor and Social Security Legislation Sector*: regulations on employment relations, employers and trade unions, social protection and aid, social security;


Art. 17. — The Division of official record of legislation and documentation is made up of the following:

1. *the Study and Documentation Sector* consisting of
   a) the Legislative Documentation and Information Service;
   b) the Study and Analysis Service;
   c) the Library;

2. *the Methodology, Legal Drafting and Legislation Systematization Sector*;

3. *the Legislative Publications’ Coordination Sector*;

4. *the Official Record of Legislation Sector*.

Art. 18. — The activity areas and principal functions of the Division of official record of legislation and documentation as assigned among its individual sectors are the following:

1. *The Study and Documentation Sector*:
   — it provides information on the history of regulations under Romanian legislation, the legal doctrine, jurisprudence and, as the case may be, comparative law works from a specific area which is subject to regulation through the draft examined within the advisory process;
   — it organizes the reference library by acquiring the necessary stock of national and foreign books;
   — it analyzes the publishing plans and makes proposals for the acquisition of publications within the budgeted funds;
   — it prepares reports on the acquisition of necessary publications and submits such for approval by the division president;
   — it ensures acquisition of foreign legislation, mainly that in areas subject to regulation by new legislation;
   — it follows the jurisprudence of the Supreme Court of Justice and the other courts, of the Constitutional Court and the Court of Audit;
   — it makes the inventory, examines, classifies and processes the legislative and doctrinaire information on a national and international level;
   — it prepares studies on regulations given to specific legal institutions as well as legislative documentaries on a specific subject;
   — it makes translations of foreign legislation;
   — it periodically informs the divisions of the books, reviews, other publications as well as foreign legislation that are brought in the library;
   — it prepares a “Legislative Bulletin” on a quarterly basis, which includes information about the Legislative Council activity and studies prepared within its framework, to which end all structures will be involved;

2. *The Methodology, Legal Drafting and Legislation Systematization Sector*:
   — it provides studies on the systematization, uniformity and coordination of the legislation, in cooperation with the advisory divisions;
   — it takes part in the examination of the legislation enacted before the Constitution in order to present its proposals that will harmonize such with the provisions and principles of the Constitution;
— it prepares the legal drafting norms for normative acts, in cooperation with the advisory divisions, with a view to the exercise of the right of legislative initiative by those concerned;

3. The Legislative Publications’ Coordination Sector:
— it coordinates the preparation and publishing of legislative repertoires, the publication of codes, collections of normative acts and legislative brochures on specific subjects, in Romanian and foreign languages of international use;
— it examines with a view to publication the repertoires and legislative collections that are prepared by other authorities or legal or natural persons, in terms of their consistency with the official legislation record;

4. The Official Record of Legislation Sector:
— it organizes and ensures the receipt and keeping of one original copy, affixed with autograph signatures, from all legislation enacted by Parliament, including the decrees of their promulgation;
— it draws up the effective legislation files and updates such;
— it organizes and keeps the official legislation record, and takes measures to implement a computerized record-keeping system, in cooperation with the Legislative Informatics Department;
— it provides the information about the legislative context in which the specific regulations must be integrated, within the advisory activity for draft legislation. In this respect, it determines the connections and legislative implications of a new piece of legislation as related to the existing one, also mentioning the laws that fall under its area of influence and what interference may arise therefrom, it points out the text conflicts, redundancy and, as the case may be, the necessary concentration of spread regulations under one and the same normative act.

Art. 19. — The president of the Legislative Council can change the structure of the sectors as may be necessary to fulfill current assignments, at proposal made by the division presidents.

Art. 20. — The division president has the following powers and duties:

A. Common powers and duties

The division president:

a) ensures management of the division, directs and controls its activity according to the legal provisions, these regulations and the instructions taken from the president of the Legislative Council;

b) informs the president of the Legislative Council about the development of current works, with accent on the most significant aspects of the activities carried out in his respective division;

c) assigns tasks to the division staff and approves responsibilities as defined for the individual positions; he redistributes, if necessary, certain tasks and duties to be accomplished by the staff, in order to balance the amount of work;

d) takes measures to fulfill the directions from the president of the Legislative Council and the decisions made by the joint divisions;

e) prepares a report on the division activity, highlighting the significant aspects in matters related to the advisory activity and to the systematization, unification and coordination of legislation, at the end of every year or at request from the president of the Legislative Council, when he deems so necessary;

f) takes part in the debate of issues in sessions held by the joint divisions;

g) resolves any other problem related to the good management of his division activity.

B. Specific powers and duties of the advisory divisions

The division president:

a) designates examination panels to give advisory opinion on the draft legislation and appoints a rapporteur for each individual draft;

b) chairs the advisory meetings of the division;
C. Specific powers and duties of the Division of official record of legislation and documentation

The division president:

a) coordinates the activities related to the legislation official record and the computerization of the record-keeping system;

b) coordinates and verifies the furnishing of legislative information that is required in the advisory process for the draft legislation, in terms of its legal systematization, uniformity and coordination;

c) provides the necessary staff for panels who will work on various studies, as such are provided under the law, with a view to improving the entire body of legislation in terms of its systematization, uniformity, coordination and conformity with the Constitution;

d) coordinates and directs the panel who will draw up the norms for the legal drafting of normative acts;

e) directs the coordination for the preparation and publishing of repertoires and legal publications.

Section 3

The head of sector powers and duties

Art. 21. — The head of sector is a counsellor whose principal powers and duties are as follows:

a) he directs the activity carried out in that sector, ensuring that the staff will duly accomplish their duties as such are defined for the respective posts and under instructions from the division president;

b) he participates in and leads the debate during meeting at the sector level;

c) he makes proposals in order to improve the quality of the works that are prepared by the panels established as of Article 37 hereunder;

d) he verifies the quality of the works and approves them before such are taken under consideration in division meetings;

e) he prepares the list of responsibilities as defined for the individual posts which he submits to the division president for approval;

f) he fulfills other duties assigned to him by the division president.

CHAPTER V

The Department for harmonizing the legislation with the European Community regulations

Art. 22. — The Department for harmonizing the legislation with the European Community regulations has the following powers and duties:

a) it analyzes the European Union regulations in order to provide specialized assistance for the decision-making bodies within the process of incorporating such into domestic law as well as to harmonize national with the European Community legislation, in cooperation with other similar structures of the Executive;

b) it is involved in the translation of the European Community legislation into Romanian;

c) it examines the draft legislation and legislative proposals submitted for the Legislative Council’s advisory opinion in terms of their consistency with the European Community regulations;

d) it provides the legislative information as is necessary for the activity of the parliamentary structures established for European integration purposes.

Art. 23. — The Department for harmonizing the legislation with the European Community regulations is run by a head of department who is appointed from among the counsellors.

The duties of the staff are established individually for each post by the head of department and approved by the president of the Legislative Council.

CHAPTER VI

The Legislative informatics department

Art. 24. — The Legislative Informatics Department provides the advanced electronic technology for fulfilling the
tasks devolving upon the Legislative Council, by using the most efficient means of legislative and juridical information and being the methodological-operational unit for the computerization activity.

The Legislative Informatics Department will also provide the necessary connection and interlinking with other computerized information systems in this country or elsewhere.

For these purposes, the activity of this department is oriented towards the following objectives:

a) the preparation and creation of its own databases;
b) the organization of a legal information system for the inventory, data processing giving advisory opinion and use of the information stored in such databases, in cooperation with the sectors of the Division of official record of legislation and documentation;
c) the operation of the system and its databases in order to ensure a systematized, uniform and coordinated legislation as well as to back up the advisory activity.

Art. 25. – In order to fulfill the objectives indicated under Article 24, the units within this department will pursue, independently or in conjunction with other structures of the Legislative Council:

1. With regard to the preparation and creation of databases:
   a) to create an effective legislation database;
   b) to create a historical legislation database;
   c) to create a comparative law database;
   d) to create an European Community and international law database.

2. With regard to the computerized data processing:
   a) to render support to the Legislative Council divisions in preparing advisory opinions on the draft legislation and proposed amendments; to furnish, on a regular and efficient basis, the information related to the legislative context. To this end, it will reveal the legislative connections and implications, the interference with other normative acts, the text conflicts and redundancy or the possibility to concentrate spread regulations into one single law;
   b) to make a complex analysis of the legislative data in terms of both form and substance, including the approach to the wording used (from a lexical and grammatical view-

point) as well as to the logic, classification, legal nature and rationales of the text;
   c) to give juridical validation for the computerized data fed into the system;
   d) to provide a structure and organization for the inter-legislative informatics system;
   e) to create and use index vocabularies and a Romanian legal thesaurus;
   f) to establish the interface for a computerized system of legal doctrine and jurisprudence, as well as with other partners from abroad;
   g) to provide the internal and external interoperability of the Legislative Council information system through infrastructure, software, on-line services or magnetic support.

5. With regard to the operation of the system:
   a) to create special organization and operation rules for the Legislative Council informatics system;
   b) to create and operate a computerized follow-up system for the internal structures (inside the system, in the Legislative Council and in the Parliament), domestic (the Government, departments, etc.) and external (cross-border);
   c) to create and codify files concerning legal sources, drafts, their suppositional or actual users as well as usage;
   d) to create and organize a system of codes, passwords and access to the legislative information system;
   e) to organize and operate the secretarial archives of the Legislative Council;
   f) to provide a continuous flow of information and documentation as well as to exchange experience on the legal and computerization stage of the development of similar systems, in terms of advanced technology and capabilities.

Art. 26. – To fulfill its responsibilities, the Legislative Informatics Department includes in its structure:

a) the design – systematization, analysis – data processing and juridical validation of computerized data service;
   b) the secretarial management and computerized archives office.

Art. 27. – The Legislative Informatics Department is managed by a head of department who is appointed from among the counsellors.
The duties of the staff of the department are established individually for each post by the head of department and approved by the president of the Legislative Council.

CHAPTER VII

The Legislative Council advisory opinion on draft legislation

Section 1

Requests for an advisory opinion

Art. 28. — The following categories of drafts shall be submitted for an advisory opinion by the Legislative Council:

I. Bills initiated by the Government
   a) bills that are initiated by the Government, before examination in the Government meeting;
   b) bills that are initiated by the Government, after examination and adoption in the Government meeting but prior to tabling such to the Parliament, in case of any changes made by the Government to a draft which has already undergone the advisory opinion;
   c) amendments to the bills taken under examination by the parliamentary committee having jurisdiction upon the subject matter, when the respective bill is under consideration in the first Parliament Chamber;
   d) bills that are adopted by the first Parliament Chamber then referred for examination by the second Chamber, in case of any changes brought to the previous draft which has already undergone the advisory opinion;
   e) amendments to the bills that are taken under examination by the parliamentary committee having jurisdiction on the subject matter, when the respective bill is under consideration in the second Parliament Chamber.

III. Draft Government ordinances
   a) draft ordinances issued under a special enabling law, prior to submission for approval in the Government meeting;
   b) draft ordinances stipulated under Article 114 paragraph (4) of the Constitution, prior to submission for approval by the Government.

IV. Draft Government normative decisions
   — drafts of Government normative decisions, prior to submission for approval in the Government meeting.

Art. 29. — A request for advisory opinion can be sought by the following:

a) the secretary general of the Government, for bills stipulated under Article 28, I, a) and b) and for draft Government ordinances and normative decisions stipulated under Article 28, III and IV;
   b) the secretary general of either Parliament Chamber for bills stipulated under Article 28, I d) and legislative proposals stipulated under Article 28, II a) and c);
   c) the chairman of the parliamentary committee having jurisdiction on the subject matter, for amendments to bills and legislative proposals stipulated under Article 28, I c) and e) and II, b) and d).

Art. 30. — The Legislative Council opinion shall be advisory and must be given within the following deadlines:

a) as requested by the Government, which is not less than ten days for draft legislation under ordinary procedure and two days for bills under urgency procedure;
   b) twenty-four hours for draft ordinances stipulated under Article 28, III b);
   c) as established by the Standing Bureau of either Parliament Chamber that has requested such advisory op-
nion, for the bills stipulated under Article 28, I d), and legis-

lative proposals stipulated under Article 28, II a) and c).

d) as established by the parliamentary committee
having jurisdiction on the subject matter, for the amend-
ments stipulated under Article 28, I c) and e).

The development of the legislative procedure will not
be hindered when the advisory opinion is not given within
such deadline.

**Art. 31.** – Any draft legislation that is submitted for
advisory opinion by the Government must be accompa-
nied by a statement of reasons (an accounting note for
Government acts, respectively), which will indicate the jus-
tification of proposed regulations. This statement of rea-
sons or, as the case may be, accounting note will be affi-
ixed with the signature of the head of the issuing authority
as well as of the heads of ministries and other advisory
authorities. In case of divergence, the advisory opinion
will be requested after resolution thereof at the level of
the Government. The draft will also be accompanied by stu-
dies or other research work that have stood as a basis for
its preparation.

In case of legislative proposals initiated by senators and
deputies, the Legislative Council advisory opinion shall be
requested after fulfillment of the requirements as provi-
ded under Art. 110(1) of the Constitution.

**Art. 32.** – In case of legislative proposals initiated by
citizens as of Art. 73 (1) of the Constitution, the Legislative
Council will verify whether the Constitutional Court has
ruled a viewpoint concerning the fulfillment of the requi-
rements in connection with this legislative initiative.

### Section 2

**Advisory procedure**

**Art. 33.** – After a preliminary examination whether
legal requirements have been met with a request for advi-
sory opinion the president of the Legislative Council will
decide on the registration of that draft, along with all
other enclosed documents.

**Art. 34.** – The president of the Legislative Council will
then assign the respective draft, through directions, also
indicating the division in charge with the examination and
advising of that draft legislation as well as the advisory
opinion’s finishing off deadline.

**Art. 35.** – When a draft involves regulations that fall
under the jurisdiction of both advisory divisions, the ad-
visory activity shall be in joint divisions, according to the
Legislative Council president’s directions.

**Art. 36.** – Once the draft has been assigned to either
division, a notification will be sent to the Legislation offi-
cial record and documentation division to examine that
draft, in order to fulfill the provisions of Article 38 herein,
to the Public authorities legislation and constitutional ana-
lyses sector of the Public law division to verify its confor-
mity with the provisions of the Constitution as well as to
the Department for harmonizing the legislation with the
European Community regulations to examine its compat-
ibility with the European legislation.

The notification shall consist of a copy from the draft,
the statement of reasons and, as the case may be, the
documents enclosed.

**Art. 37.** – Upon receiving the draft, the division president
will designate the examination panel and the rapporteur
and fix a deadline for the preparation of a draft advisory
opinion to be examined in the division meeting, according
to the importance and the amount of work involved.

The examination panel and the rapporteur will be
determined through the directions of the president of the
Legislative Council, in the case specified under Article 35.

The rapporteur can invite the initiator’s representatives
to attend when the draft is examined, in order to let them
provide explanations and other information regarding the
contents of that draft.

**Art. 38.** – After examination of the draft and the docu-
mentation therewith enclosed by the panel established as
of Article 37, any remarks and proposals that may have so
arisen shall be discussed upon in the sector to which the
respective rapporteur belongs.

The discussion is chaired by the head of the sector.

The content of the report drafted by the Legislation offi-
cial record and documentation division will be also into
consideration when examining the draft, in what concerns
the measures to be taken for systematization, uniformity
and coordination of the legislation, as well as the background of legal doctrine, jurisprudence, legislative information and comparative law, as the case may be, that are necessary for the advisory opinion to be issued; at the same time, the conclusions of the relevant compartments regarding its conformity with the provisions of the Constitution and compatibility with the European Community regulations will be also taken into consideration.

Art. 39. — Based on the summary of the discussions held, the person who is in charge with a specific paper will draft a report containing the conclusions of the examination as well as the draft advisory opinion, and submit them for examination in the meeting of that division, to be chaired by the division president. This meeting shall be attended by the examination panel, the heads of sectors and the other counsellors who belong to that division.

Art. 40. — The draft advisory opinion will be finalized according to the conclusions of the discussions held in the division meeting and then submitted to the president of the Legislative Council for endorsement, after it is signed by the president of the respective division.

Art. 41. — The president of the Legislative Council will take part in the division meeting, as may be required by the importance and extend of a specific draft submitted for the advisory opinion, and he will also chair the meeting.

Art. 42. — For discussions upon drafts of considerable importance or involving certain particular aspects, the division presidents can also make proposals to the president of the Legislative Council to invite the senators and the deputies who are the initiators of the respective draft, or the ministers and state secretaries in the specialized bodies of the central public administration with powers and duties in the same area as that where the draft will be applicable. These persons can also participate at their own request.

The president of the Legislation Official record and documentation division or his representative and the head of the Department for harmonizing the legislation with the European Community regulations will also take part in the meeting where a draft is taken under discussion, under the terms described under par. 1.

Art. 43. — In the case a draft legislation, by the specific nature of the regulations contained therein, has been distributed for examination to the two divisions, the report and the draft advisory opinion that are prepared as of provisions under Article 37 will be discussed upon in joint divisions.

Art. 44. — The final draft advisory opinion will be prepared, then submitted to the president of the Legislative Council while taking into consideration the provisions as of Article 40, under the signature of the divisions presidents.

Art. 45. — If there is any irreconciled divergence between the viewpoints raised by each division that arises from the discussions as provided under Article 43, the discussions will be resumed under the direction of the president of the Legislative Council, who will chair the meeting and will give his own opinion on any points of divergence; the Legislative Council advisory opinion will include the conclusions so accepted.

The president of the Division of official record of legislation and documentation and the head of the Department for harmonizing the legislation with the European Community regulations will also take part in the discussions provided under par. 1.

Art. 46. — The president of the Legislative Council can take certain drafts that are complex or likely to raise some points of controversy for discussion in joint divisions. In this event, the final advisory opinion will be drafted by the president of the Legislative Council, based on the conclusions of such discussions.

The discussions provided hereinabove will be also attended by the division presidents, sector heads, the rapporteur and by other persons designated by the president of the Legislative Council.

Art. 47. — After endorsement of a draft advisory opinion by the president of the Legislative Council as has been finalized based on the discussions held in a division or in joint divisions, respectively, the Legislative Council advisory opinion shall be sent to the applicant authority, under the president’s signature.

Art. 48. — In case that a draft law or legislative proposal is deemed, after examination to be appropriate in every
aspect as provided under Article 3 (1), the advisory opinion shall be a favorable one.

In case that, after examination of a draft law or legislative proposal, the proposed regulation is found to have met, in general, the requirements as of Article 3 (1), but certain supplements, modifications or reformulations are necessary, the advisory opinion will be favorable and will contain the remarks and proposals taken for an appropriate and accurate final draft.

In case that a draft law or legislative proposal comes against the provisions and principles of the Constitution, the established order of the state governed by the rule of law or the international treaties to which Romania is a party or is in conflict with the national legislative system, the advisory opinion will be a negative one, including the underlying reasons.

**Art. 49.** — The provisions of Article 48 hereinabove are also applicable in the case of amendments that are submitted for examination by the parliamentary committees as well as Government ordinances or decisions.

An advisory opinion from the Legislative Council must also be negative in case a Government ordinance has been issued to regulate an area that is reserved for organic laws or it has not observed the provisions of such laws or has exceeded boundaries set by the enabling law as well as when a proposed Government decision falls under an area reserved for regulation by a law or when comes against the provisions of a law or ordinance.

### Section 3

**The drafting form of advisory opinions**

**Art. 50.** — A favorable advisory opinion that contains no remarks or proposals will not specify the underlying reasons.

**Art. 51.** — A negative or favorable advisory opinion that contains remarks and proposals must specify the underlying reasons, so that it should lead to a well-grounded substantiation of the expressed view points.

**Art. 52.** — The drafting of a favorable advisory opinion that contains remarks and proposals will be such that its first part indicates the remarks dealing with principles and, subsequently, those related to the text, following the order in which they are grouped under the respective articles.

The remarks and proposed text reformulations will be presented in the form of a redrafted text as such has been envisaged.

**Art. 53.** — The remarks dealing with principles may also rest on the legal doctrine, jurisprudence or comparative law, but not political considerations.

Any objections or proposals will be accompanied by research studies on the matter and, as the case may be, other related documents or information that they are based upon.

**Art. 54.** — The Legislative Council advisory opinion will be drafted in three copies as follows: the original will be sent to the applicant public authority, the second copy will be enclosed with the file prepared as of Article 79 herein, and the third will be kept in a special file of advisory opinions deposited with the Legislative Council Secretariat.

**Art. 55.** — The initiator or the applicant authority can request supplementary explanations about the content of the advisory opinion or can invite the Council’s president or his representative to the discussion of the legislative proposals or drafts under the advisory opinion.

**Art. 56.** — Once the draft legislation for which the advisory opinion was issued has been passed, the rapporteur will prepare a record card indicating whether and how the advisory opinion has been acknowledged by the applicant authority. This record card will be attached to the file to be deposited in the archives of the Legislative Council.

### CHAPTER VIII

**Elaboration of draft codes and other complex legislation by the Legislative Council or under its coordination**

**Art. 57.** — Subject to Article 2 par. (1) c) of the Law No. 73/1993, the Legislative Council will directly draft or will coordinate the elaboration of draft codes or other complex legislation, under the direction of the Chamber of Deputies or the Senate.
Section 1

Direct elaboration of codes or other complex legislation by the Legislative Council

Art. 58. – After receiving the directions provided under Article 57, the president of the Legislative Council will order the setting up of a commission staffed with specialized personnel from the divisions, according to the nature of the legislation that is envisaged. The commission will also include other specialists from the Ministry of Justice or from other ministries and central public authorities that are in charge with or interested in the enforcement of the new regulations. Their designation will be through directions from the head of the ministry or public authority where they are employed.

University professors and other specialists from the research institutes or with a prestigious academic experience will also be invited to participate, as external associates, in the activity of research and elaboration, as may be required by the importance and the nature or the issues that are subject to regulation.

Art. 59. – The elaboration of the draft codes or other complex legislation will be preceded by a wide-scale comprehensive documentation activity which is materialized in studies showing the need to have new regulations put in place and the foreseeable effects of the legal solutions envisaged.

The research studies and other documentary work will be taken as the basis for establishing the conception of the new regulations.

Such studies will include an analysis of the existing legislation in the field which is subject to a new regulation, and mention its flaws or the absence of regulations on that subject matter as well as information about the historical background of the respective regulations in Romanian and in comparative law, to be taken as guidelines for establishing legislative solutions.

Art. 60. – The conclusions drawn in the research studies, including the guidelines for the overall conception of the new regulations, will be submitted to the ministries and other interested public authorities, so that they can make a viewpoint.

Art. 61. – Based on the research studies and viewpoints received from the authorities provided under Article 60, some preliminary theses will be drafted to mirror out the general conception, principles, new orientation and basic solutions of the regulations envisaged.

Art. 62. – Such preliminary theses will be submitted for endorsement by the Government. After approval, the commission provided under Article 58 will proceed with drafting the text of the new regulations.

Art. 63. – The draft code or law will enclose a report as provided under Article 14 par. (1) of the Law No. 73/1993 and will be submitted to the Government for discussions and issuing of an adoption decision.

In case this draft has undergone changes as a result of the discussions in the Government meeting, the Government will request an advisory opinion from the Legislative Council on the respective modifications.

Section 2

Elaboration of codes or other complex legislation under the Legislative Council coordination

Art. 64. – The elaboration of codes and other complex legislation under coordination by the Legislative Council will be made by a commission that is set up for this purpose and includes representatives of the Legislative Council, who are designated by the Council’s president.

Art. 65. – The main solution envisaged in the draft will be discussed upon, on a regular basis, by the respective advisory division of the Legislative Council that will also make proposals and recommendations as may be needed.

Art. 66. – The same procedure as that under Article 65 must be followed, by way of analogy, for the endorsement by the Government of the commission proposals.

Art. 67. – The exercise of legislative initiative by the Government will be after having a prior advisory opinion from the Legislative Council for the final form of the draft, which was adopted by a decision issued to this effect.
Chapter IX
The Legislative Council Secretariat and other administrative offices

Section 1
The Legislative Council Secretariat

Art. 68. — The Legislative Council Secretariat provides for the circulation of the official acts and other documents received or elaborated within the activity of the Legislative Council as well as for their safe deposit in best conditions.

Likewise, it accomplishes the proper management of assets and ensures the procurement of any supplies and consumables as may be required for the Legislative Council activity.

Art. 69. — The Legislative Council Secretariat is structured into a Technical-administrative service and a General registry and archives office.

Art. 70. — The Legislative Council Secretariat is managed by a director, who has the following main duties:

a) he heads the secretariat offices and takes measures for the proper and timely accomplishment of all tasks devolving on them;

b) he draws up the specification of job description for each post and submits such for approval by the president of the Legislative Council;

c) he keeps the documents and files that are secret or confidential;

d) he takes part in the meetings of the joint divisions held under the president’s directions and ensures that all paperwork and decisions are safely deposited;

e) he takes care of the preparation and keeping of the registers that are necessary for the Legislative Council activity;

f) he fulfills other duties that are assigned to him by the president of the Legislative Council.

Art. 71. — The Technical-administrative unit ensures the management of the Legislative Council assets as well as the supply of materials and services as may be needed.

Art. 72. — The financial and accountancy works of the Legislative Council will be provided for, subject to the law, by the specialized department of the Chamber of Deputies.

Regulations on organization and operation

Art. 73. — The General registry and archives office provides the specific work that is taken for the registration of the Legislative Council mail, whether received or sent, as well as the deposit and safe-keeping of the files and other documents. The delivery of any document will be entered in the archives register, that must inventory ist date of registration, type, the number of pages, the delivering unit and the signatures for delivery-reception.

Section 2
The Legislative Council registers

Art. 74. — The Legislative Council keeps the following registers:

a) the general register of in and out mail;

b) the general register of files that provides the registration numbers for each advisory opinion;

c) the advisory opinion register that registers and numbers the advisory opinions sent to the applicants;

d) the register of the president of the Legislative Council orders, where his orders are registered and numbered, according to the chronological order in which they are issued;

e) the special register of secret and confidential mail for the registration of documents of this nature;

f) the archives’ register.

Art. 75. — The general register of files shall contain the following items:

a) the number of the file;

b) the name of the document included in the file;

c) the reception date;

d) the advisory opinion applicant’s name;

e) the requested deadline for the advisory opinion;

f) the division the advisory opinion is assigned to;

g) the deadline for handing in of the draft advisory opinion;

h) the reception date of the final advisory opinion from the division;

i) the type of advisory opinion affirmative without remarks and proposals, affirmative with remarks and proposals, or negative;

j) the date of the dispatch of the final advisory note.

The item a), c), d), and e) under Art. 74 are established in accordance with the nature of the work at the director
of the Legislative Council Secretariat’s proposal and are approved by the Legislative Council’s president.

Art. 76. — One copy of the registered advisory notes as provided under Art. 74 par. c), shall be included in a special file under a registration number which will be kept by the director of the Legislative Council’s Secretariat.

Art. 77. — In order to ensure a record of the works received and achieved, a register of the files that contains the drafts discussed in divisions shall be created, containing the following items:

- a) the number of the file;
- b) the name of the work;
- c) the reception date at the divisions;
- d) the examination board;
- e) the work rapporteur’s name;
- f) the date of discussion in the sector;
- g) the date of discussion in the division or, as the case may be, in the united divisions’ meeting;
- h) the type of the advisory opinion;
- i) the presentation date of the final advisory note;
- j) the registration number of the advisory note;
- k) the date of archives’ registration and the reception signature.

Section 3

The files containing the paperworks for giving an advisory opinion

Art. 78. — The files containing the paperworks for giving an advisory opinion on draft legislation are considered confidential.

The files cannot be taken out of the Legislative Council’s building, except when the representative of the Legislative Council goes to support the Council’s opinion given in the advisory note and in other matters, and, in that case, the files can be taken out with the president of the division’s approval.

Art. 79. — The documents that are enclosed in the files receive a registration number and are sewn together and laced up before being deposited in the archives; they are also sealed, and the number of the pages are mentioned on the seal.

The advisory note’s files will also enclose a note which will specify that the applicant has assimilated the advisory opinion’s content, and a copy of the promulgated draft. The files are deposited in the archives after the above-mentioned note is enclosed.

The files are kept under a number order in the archives.

Art. 80. — All the other works or documents of the Legislative Council, that are finalized or in a passive situation, shall be deposited in the archives.

Section 4

Foreign relations, protocol and press service

Art. 81. — The Foreign relations, protocol and press service provides the international relations activities of the Legislative Council, the translation, ensuring the elaboration and dispatch of the mail related to foreign relations and the achievement of the objectives in this field; it provides the visas and the protocol for traveling abroad, the reception and the accompaniment for foreign delegations in our country at the Legislative Council’s invitation.

The Foreign relations, protocol and press service organizes the protocol activities of the Legislative Council, press conferences and it drafts the foreign relations’ activity schedule for the coming year when the Legislative Council submits the budgetary proposals.

Art. 82. — The staff activities’ description of the Foreign relations, protocol and press service is drafted by the head of the office and approved by the Legislative Council’s president.

Section 5

Organization, human resources and litigation office

Art. 83. — The Organization, human resources and litigation office shall carry out works regarding the staff hiring, issuing the professional cards, keeping the record of the labor books, keeping the inventory of the disciplinary sanctions, the labor contract’s termination and other specific services in accordance with the legal provisions in force; it also represents the interests of the Legislative Council in front of courts.
CHAPTER X
The Legislative Council's personnel

Section 1
Conditions for appointment

Art. 84. — The conditions for being appointed as president of the Legislative Council, president of a division or as counsellor are those stipulated in Art. 16 (1) of Law No. 73/1993.

Art. 85. — The counsellors and the directors are appointed by the Legislative Council's president, under the approval of the standing bureaus of the Chambers of the Parliament. They shall exercise their powers as from the date of taking, individually, the oath provided under Art. 7(3) of Law 73/1993, in front of the Legislative Council's president and the president of the division where the position is employed.

Art. 86. — The head of the department shall be appointed under the legal conditions of the appointment of counsellors. The directors are appointed under the legal conditions of the appointment of counsellors, experts or 1A experts.

Art. 87. — The appointment conditions of experts and advisers are as follows:
   a) Romanian citizenship, residing in Romania;
   b) full graduator of high education university;
   c) valuable experience in the respective field;
   d) good moral reputation.

Besides the conditions provided under letters a) – d) of the previous paragraph, the expert's position also requires a 5-year experience in the field, and the adviser's position requires a 5-year experience. By the Commission of appointments, and discipline's request, the president of the Legislative Council can reduce the requirement for expert's position up to 5-year experience and can employ young graduators, without experience, on adviser's position, for special cases that are well justified.

Art. 88. — The appointment conditions for the executive specialists — different form those required for counsellors, experts and advisers — as well as for the executive person-
Art. 98. — The positions of president of the Legislative Council, president of a division, head of department, counsellor and expert are legally incompatible with any other public or private position, except the positions in the high law education system.

Art. 99. — The appointment in the positions provided under Art. 98 shall cease by resignation case of infringement of provisions of Art. 98, withdrawal of election rights, a final sentence for committing an offence or in other situations provided by law as the case may be.

The authorities or persons, respectively, that were present at the swearing-in of the respective personnel are in charge with withdrawing the position’s rights provided under paragraph 1.

Section 2
Salaries and holidays of the personnel

Art. 100. — The salaries of the Legislative Council’s personnel are established according to the roll of positions, in the terms of the law.

Art. 101. — The salaries of the president of the Legislative Council and the presidents of the divisions are established according to the position they occupy by Law No. 73/1993.

Art. 102. — The rules concerning the duration of the holidays, the amount of the holiday allowance, the programming, taking, breaking off and postponing of the holidays, as well as the money compensation of the outstanding holidays shall be established in keeping with Art. 7 under the Law No. 6/1992 on the employees’ paid holidays and other holidays under the president of the Legislative Council’s direction.

Section 3
Disciplinary responsibility

Art. 103. — The infringement of provisions of the Law No. 73/1993, of the present regulations and other legal provisions of professional ethics shall involve the responsibility of the guilty and disciplinary sanctions of the party.

Art. 104. — In case of committing infractions of discipline, the president of the Legislative Council and the division presidents shall be examined and punished in keeping with the stipulations provided under Art. 19, par. (2) of the Law No. 75/1993.

Art. 105. — The Legislative Council’s staff, different from that stipulated by Art. 104, shall be examined for the infractions of discipline committed by the Commission of appointment and discipline of the Legislative Council and the sanctions are enforced by the president of the Council.

Art. 106. — The disciplinary sanctions applied to those guilty of infractions of discipline are as follows:

\begin{enumerate}
\item[a)] warning notice;
\item[b)] from 10 to 15\% reduction of salary and bonus for a 3 month period at the most;
\item[c)] demoting of the position or wage bracket for a 3 month period at the most;
\item[d)] dismissal from office.
\end{enumerate}

The dismissal from office is enforced for severe misdemeanors or repeated infringements of professional duties.

Art. 107. — The president of the division or the head of the department requires or personally directs the analysis of evidence of infringement, along with interviewing the accused. The results of the analysis and the circumstances of the infringement are registered in a finding report.

Art. 108. — The Commission of appointments and discipline is informed about the infringement by the president of the division or the head of the department.

Art. 109. — The Commission of appointments and discipline shall analyze the evidence and interview the accused and can also require supplementary evidence.

Art. 110. — In case the Commission of appointments and discipline finds the accused guilty, it proposes the sanction and submits it to the president of the Legislative Council.

Art. 111. — The conclusions of the Commission of appointments and discipline are registered under a form of a decision which is taken with the majority votes of the Commission’s members.

Art. 112. — The Commission of appointments and discipline shall keep a register in which there shall be registered the works received and the decisions adopted. The Commission shall have a secretary who shall be nomina-
ted by a decision of the Legislative Council’s president, when the Commission is founded.

Art. 113. – The sanctions are enforced by the president of the Council, according to the degree of the infringement, the current laws and the regulations thereof.

CHAPTER XI
External collaborators

Art. 114. – For carrying out certain works implying a distinct specialization, the president of the Legislative Council may approve the consultation of some well-known specialists as external collaborators. The collaborators will be employed, as a rule, for the elaboration of studies and other specialized works, as well as within the staff for drafting legislative codes and other extremely complex laws.

Art. 115. – The external collaborators have the same rights that are granted, in keeping with the law, to external collaborators of the Parliament machinery.

Art. 116. – The external collaborators are approved and paid by a decision of the legislative Council’s president, at the presidents of the divisions or heads of departments’ proposal.

Art. 117. – The external collaborators will follow the duties of the Legislative Council’s personnel in respect of confidentiality of works and discipline, as long as they are employed.

They will also have an entrance pass that will be returned at the end of the collaboration.

Art. 118. – The external collaborators’ activity is directed by the president of the division or head of department where they are employed.

Art. 119. – The president of the Legislative Council can nominate temporary counsellors as scientific consultants, chosen from well-known specialists having an ample activity in the field of law.

CHAPTER XII
The budget

Art. 120. – The budget of the Legislative Council is legally part of the state budget.

Art. 121. – The proposals for the budget are drafted by the respective departments of the Legislative Council and finalized with the support of the Finance and accountancy department of the Chamber of Deputies machinery.

Art. 122. – The budget will provide the necessary funds for the well development of the Legislative Council activity and it shall specify the covering resources according to the categories of expenses.

Art. 123. – The budget is drafted with the Ministry of Finance’s advisory opinion.

Art. 124. – The expense register for the protocol, travel, endowment with cars, and monthly fuel consumption are established by the President of the Legislative Council’s decision.

CHAPTER XIII
Final provisions

Art. 125. – The Legislative Council shall request the ministers and other institutions of the central public administration to examine the current laws regarding their field of activity considered as being in force, by July 31, 1996, in order to establish the current legislation fund and accomplish the duties of systematization, uniformity and coordination of the legislation.

Art. 126. – The Legislative Council shall take over, on a protocol basis, the documentary fund of books, publications and law collections, the files of the drafts and laws and the archives of the Legislative Council that was founded on the basis of Law 15/1971, from their current administrators.

Art. 127. – The present Regulations shall be published in the „Monitorul Oficial“ (Official Gazette of Romania).
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<td>2. Division president (Secretary of State)</td>
<td>Law No. 40/1991 (annex no. 2, pos. 4)</td>
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<td>3. Head of department</td>
<td>Law No. 55/1991 (annex no. 2, pos. 3)</td>
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<td>4. Director, head of sector (the basic position assimilated to the parliamentary counsellor with management allowance)</td>
<td>Law No. 55/1991 (annex no. 3, pos. 1, and annex no. 4, pos.1)</td>
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<td>Law No. 40/1991 (annex no. 8, Pt. I, A pos. 1) and Law No. 55/1991 (annex no. 4, pos. 1)</td>
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<td>7. Counsellor (assimilated to the parliamentary counsellor)</td>
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<td>10. Consultant (assimilated to the parliamentary consultant)</td>
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<td>Law No. 40/1991 (annex no. 8, Pt. IIA, pos. 28).</td>
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