

# **Act on cooperation between the Parliament and the Government in the field of European affairs**

## **Chapter I**

### **General provisions**

**Article 1** – This act governs the framework of cooperation between the Parliament of Romania or one of its Chambers and the Government of Romania concerning the participation of Romania in the decision-making process within the European Union and also monitoring the harmonisation of national legislation with European legislation.

**Article 2** – For the purpose of this act, the above terms and expressions shall have the following meaning:

a) *reasoned opinion* – document adopted by the Parliament or by one of its two Chambers, by resolution, which sets up reasons for noncompliance of a European legislative proposal with the principle of subsidiarity, according to provisions of the Protocol No 2 on application of the principles of subsidiarity and proportionality, annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, respectively;

b) *analysis of draft non-legislative acts of the European Union* – procedure by which the Parliament or one of its two Chambers analyse and assess draft non-legislative acts issued by the European Union, strategy papers included, and which may end with a resolution of the Parliament or of one if its two Chambers;

c) *subsidiarity and proportionality control* – procedure by which the Chamber of Deputies and the Senate assess the way draft legislative acts of the European Union comply with the principles of subsidiarity and proportionality according to the Protocol No 2 on application of the principles of subsidiarity and proportionality, annexed to the Treaty on European Union and the Treaty on the functioning of the European Union, respectively;

d) *parliamentary scrutiny* – procedure by which the Parliament or one of its two Chambers scrutinize and assess draft legislative or non-legislative acts of the European Union from the substantive point of view of the regulation and from the point of view of their effects for the national legislative system;

e) *mandate* – negotiation position of Romania for the issues on the Council's agenda, including draft legislative acts of the European Union;

f) *general mandate* – negotiation position of Romania, drafted by the Government, for issues on the Council's agenda, including also draft legislative acts of the European Union, when the economic, social, and environmental effects of draft legislative acts of the European Union are of major significance or concern more than one field;

g) *draft legislative acts of the institutions of the European Union* – proposals from the European Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice of the European Union, recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a legislative act, that take form of regulations, directives or decisions of the European Union;

h) *Parliamentary scrutiny reserve* – procedure under which the Government of Romania notifies the Council on the start of the scrutiny procedure by the Parliament or by one of its two Chambers, according to this act, concerning a draft European legislative act under negotiation;

i) *draft non-legislative act* – draft acts issued by European Union institutions, that are not adopted through a legislative procedure, according to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, on 13 December 2007.

**Article 3** – (1) In carrying out its responsibilities according to the provisions of this act, the Parliament or one of its two Chambers shall adopt resolutions.

(2) The resolution of the Parliament or of one of its two Chambers shall be taken into account by the Government when settling the national negotiating positions in the Council as provided in the mandate.

(3) When the resolutions of the two Chambers comprise conflicting provisions, the Government shall ask the Parliament for a joint resolution on the provisions bearing a conflicting content, within a time-limit established in consultation with the two Chambers.

(4) When the joint resolution is not sent within the time-limit established, the Government shall be not under a duty to take into account the conflicting provisions in drawing up the general mandate.

(5) The Government shall substantiate in writing without delay upholding a different position than the one provided for in the resolution of Parliament or of one of its two Chambers.

## **Chapter II**

### **Scrutiny of the annual work programme of the European Commission**

**Article 4** – (1) The Chamber of Deputies and the Senate shall scrutinise the annual work programme of the European Commission, and each of them shall draw up a list of draft European acts that shall be subject to parliamentary scrutiny procedure during the relevant year.

(2) The two lists shall be notified to the Government in 5 working days after their adoption.

## **Chapter III**

### **Notification of the Parliament**

**Article 5** – (1) The Government shall forward without delay to the two Chambers of Parliament the draft legislative acts of the European Union that are included on the Council agenda, along with accompanying documents.

(2) Upon request from one of the two Chambers, the Government shall forward the draft legislative or non-legislative acts of the European Union, along with their accompanying documents, according to the duty provided for in the Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, on 13 December 2007.

**Article 6** – (1) For every draft legislative act of the European Union under negotiation in the European Union institutions, upon request from one of the two Chambers of the Parliament, the Government shall deliver, within a time-limit of 10 working days from the date of the request, a factsheet that shall comprise information provided for in the Annex No 1, or within a time-limit of 15 working days from the date of the request, a factsheet that shall comprise information provided for in the Annex No 2, as the case may be.

(2) For the draft non-legislative acts pending adoption by the European Union institutions, within a time-limit of 15 working days from the request, the Government shall deliver general information to the two Chambers.

**Article 7** – (1) At the beginning of every rotating presidency of the Council, the Government shall deliver to the two Chambers of Parliament the following documents:

- a) the programme and the priorities of the respective presidency;
- b) the list of general mandates that shall be drawn up, for remarks and proposals.

(2) The Ministry for Foreign Affairs or the responsible Ministry in what concerns the respective field of competence, according to law, shall inform on behalf of the Government on a regular basis the two Chambers of Parliament on the essential issues for Romania and for the European Union that are on the European agenda.

**Article 8** – The Government shall regularly deliver to the two Chambers of Parliament the following documents:

- a) reports concerning the results of participation to the European Council;
- b) regular reports concerning the activities carried out and the result of Romania's participation in the decision-making process of the European Union in the Council;

c) bi-annual reports on the fulfilling of the transposition duties of the European Union law in the national legislation.

**Article 9** – The protection of the classified information subject to this act shall be provided according to national and European Union rules in the field.

## **Chapter IV**

### **The working procedure between the Chambers of Parliament and the Government**

**Article 10** – (1) Every Chamber of Parliament may decide to initiate the parliamentary scrutiny procedure for a draft act of the European Union that is subject to negotiation at the European Union institutions level.

(2) The Chamber of Deputies or the Senate, as the case may be, shall deliver to the Government a notification concerning the act subject to this procedure.

(3) Within a time-limit of 15 working days after receiving the notification, the Government, through the Ministry for Foreign Affairs or the responsible Ministry in what concerns the respective field of competence, according to law, shall deliver to the two Chambers of Parliament the extended factsheet concerning the draft legislative act that shall include the elements provided for in Annex No 2.

**Article 11** – (1) Following the parliamentary scrutiny, the Parliament or one of the two Chambers shall adopt resolutions concerning draft acts pending adoption by the institutions of the European Union.

(2) The Parliament or one of the two Chambers shall finalise the parliamentary scrutiny and shall forward the resolution to the Government 3 working days prior to the date provided for by the Government for settling the mandate that shall be put forward in the Council.

(3) Under special circumstances, duly reasoned, the Government may request to the Council to speed up the adoption of the resolution concerning legislative acts subject to debates, the urgent nature being substantiated by the need to comply with the European calendar.

(4) When the time-limits provided for in paragraphs (2) and (3) are not complied with, the Government shall decide without the resolution of the Parliament or of its two Chambers.

(5) When resolutions of the Chambers are conflicting in nature, the Government shall apply the provisions of Article 3(3) and (4).

(6) The Government shall inform without delay the two Chambers of Parliament on significant modifications of the general mandates or of the mandates concerning draft legislative acts subject to scrutiny, as the case may be, occurred during negotiation

process, and also on significant amendments brought by other Member States or by the European institutions.

## **Chapter V**

### **Parliamentary scrutiny reserve**

**Article 12** – During the parliamentary scrutiny procedure of draft legislative acts of the European Union, the Government shall inform the Council on the initiation of that procedure, according to provisions of this act.

**Article 13** – The parliamentary scrutiny reserve shall be deemed as lifted at the time the resolution of the Parliament or of one of the two Chambers shall be forwarded to the Government or upon expiry of the time-limit provided for at Article 3(3), as the case may be.

## **Chapter VI**

### **The control concerning the compliance with the principles of subsidiarity and proportionality**

**Article 14** – (1) The two Chambers of Parliament shall ensure the assessment of the way the draft legislative acts of the European Union comply with the principles of subsidiarity and proportionality, under the Protocol No 2 on application of the principles of subsidiarity and proportionality, annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, on 13 December 2007.

(2) The Government shall forward the factsheet provided for in Annex No 1 to the two Chambers of Parliament for draft legislative acts included on the priority list drawn up according to Article 4(1) within a time-limit of 10 working days from the date the notification of the draft European act.

(3) The Parliament or one of the two Chambers shall adopt duly substantiated reasoned opinions by resolution, in case of non-compliance with the principle of subsidiarity of the draft legislative acts of the European Union.

(4) The reasoned opinion shall be forwarded to the President of the European Parliament, of the Council and of the European Commission respectively within a time-limit of 8 weeks from the date the draft was sent, according to Article 6 of the Protocol No 2.

(5) The two Chambers of Parliament shall adopt resolutions by which the conformity with the principles of subsidiarity and proportionality of the draft European legislative acts is established and that shall comprise substantive remarks.

**Article 15** – (1) Upon a finding following an internal examination that an European legislative act into force is in breach of the principle of subsidiarity, the Parliament or one of the two Chambers may lodge an action for annulment of the said act before the Court of Justice, under Article 263 of the Treaty on the functioning of the European Union and Article 8 of the Protocol No 2 on the application of the principles of subsidiarity and proportionality, annexed to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, on 13 December 2007.

(2) Having adopted the decision to lodge an action for annulment, the Parliament or one of the two Chambers shall appoint an Agent responsible for representing the interests of the State in these proceedings.

(3) The correspondence with the Registry of the Court of Justice in the framework of the action provided for in paragraph (1) shall be performed by the Agent of the Government responsible with representation of Romania to the Court of Justice and to other institutions of the European Union.

## **Chapter VII**

### **Analysis of the draft non-legislative acts of the European Union institutions**

**Article 16** – (1) The Parliament or one of the two Chambers may analyse the draft non-legislative acts of the European Union institutions and shall inform the Government in this regard.

(2) Within 15 working days from the date of receiving the notification, the Government shall deliver to the two Chambers of Parliament general information concerning the draft act subject to analysis, that shall comprise the elements requested by the Chambers and also all the information deemed as relevant by the Government.

**Article 17** – (1) The resolutions concerning strategy, programming or consultative documents of the European Union adopted by the Parliament or by one of the two Chambers shall be of consultative nature for the Government.

(2) During the analysis process, upon the request from one of the two Chambers of Parliament, the Government representative appointed for the respective field of competence, according to law, shall appear at the sittings of the European Affairs Committees or of the Standing Committees of the two Chambers of Parliament in order to inform on the document or on the preliminary position issues of the Government that are deemed as relevant for Romania.

## **Chapter VIII**

### **The parliamentary control over the representation of Romania at the European Council**

**Article 18** – (1) Within a time-limit of 10 working days prior to the meeting of European Council, the Government shall deliver to the two Chambers of Parliament the proposal for mandate which the delegation of Romania aims to put forward.

(2) Prior to the meeting of European Council, the Parliament may adopt proposals concerning the mandate.

(3) The proposals adopted according to paragraph (2) shall be taken into account in the mandate drafted by the Government.

(4) The President of Romania may address the Parliament in order to present his mandate.

## **Chapter IX**

### **Persons appointed or named by the Government to hold offices in European Union institutions**

**Article 19** – (1) The Parliament of Romania shall be informed by the Government in connection with the appointment of persons to hold offices in European Union institutions.

(2) The responsible standing committees of the Parliament shall hear the person appointed by the Government to hold the office of member of the European Commission.

## **Chapter X**

### **Monitoring the harmonisation of national legislation with European Union law**

**Article 20** – (1) The Government shall submit annually its legislative programme which shall comprise a section concerning draft legislation that shall transpose legal acts of the European Union. In case that during the year modifications concerning the need to transpose legislative acts of the European Union by act of Parliament shall occur, the Government shall inform the Parliament without delay.

(2) The legislative programme provided for at paragraph (1) may include drafts of legislation needed to establish the legal framework for direct applicability of regulations and decisions of the European Union.

(3) The legislative programme provided for at paragraph (1) may include draft legislation that amends, supplements, or repeals national normative documents needed to execute judgments rendered by the Courts of the European Union against Romania or in order to prevent rendering such judgments against Romania.

**Article 21** – The Government shall report quarterly on developments concerning transposition of legislative acts adopted at the European Union level in the domestic law, and shall refer also to registered delays.

## **Chapter XI**

### **Final provisions**

**Article 22** – Annexes No 1 and 2 shall form an integral part of this act.

#### **Annex No 1**

##### **Content of the factsheet for draft legislative acts of the European Union institutions**

- a) title of the draft, and other identifying elements;
- b) brief description of the draft;
- c) preliminary impact assessment on national legislation, national policies, economic, social, SMEs and environment situation;
- d) financial/budgetary implications;
- e) Ministry or institution of the central public administration responsible in the scope of the draft;
- f) general analysis, of a preliminary nature, of the draft legislative act.

#### **Annex No 2**

##### **Content of the extended factsheet**

- a) proposed objectives within the decision-making process and their justification;
- b) initial position of the Government in what concerns the draft legislative act and preliminary proposals concerning elements of a mandate, respectively;
- c) preparatory documents of the European Commission, as sent to the Council;
- d) documents of the Council and of the bodies of the Council;
- e) reports of the ministerial level meetings in the Council;
- f) reports and communications from the consultative bodies by the European Commission;
- g) any other data liable to explain the issues under debate.