

**PARLIAMENTARY PROCEDURE IN ROMANIA**

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Parliament is one of the primary institutions of a constitutional democracy. Among the powers that Parliament has, the most important is regulation. In a brief definition, the parliamentary procedure includes all the ordinary parliamentary rules to prepare the debate, debate and vote on a bill or legislative proposal in parliament. In accordance with the principle of bicameralism, it is done in each room and, if necessary, in the joint session of the two Chambers. Parliamentary legislative procedure includes the following steps:

1. Legislative initiative;
2. Examination and approval of draft laws or legislative proposals in the standing committees;
3. Including the draft law or legislative proposal on the agenda of the competent Chamber to debate;
4. Debate the draft law or legislative proposal in the House authorities;
5. Vote on the bill in the Chamber;
6. Return to Room law having jurisdiction under Article 75 paragraph decision. (4) And (5) of the Constitution
7. Law signed by the presidents of the Chambers;
8. Promulgation and publication law.

On the stages of the legislative procedure required some clarification about mediation and law review:

a. The mediation phase of legislative procedure was removed by law for the revision of the Constitution nr. 429/2003, which is maintained as a special procedure for constitutional revision procedure Romania, according to art. 150 and 151. Also, the mediation procedure will apply to bills in proceedings before the entry into force of the law revising the Constitution, at 29th October 2003.

b. Phase "parliamentary" procedure ends when the law is sent for promulgation. If either the President of Romania requested the review or following a decision by the Constitutional Court resumes legislative procedure, as determined by the Constitution and parliamentary regulations. Considered a complementary procedure, the review procedure law is particularly important as part directly from the adoption of the law.

**Legislative initiatives.** Triggering legislative parliamentary procedure is done through intimation. The main complaint is the way to the right of legislative initiative. According to art. 74 Para. (1) Of the Constitution, the legislative initiative belongs to the Government, Deputies, Senators, or of at least 100,000 citizens entitled to vote. Belonging to government legislative initiatives called bills. They are transmitted to the competent Chamber to adopt, as a first notified Chamber. The legislative proposals can be initiated either by the senators or deputies, or by citizens. Senators and deputies may exercise the right of legislative initiative individually or collectively, by the parliamentary group to which they belong. According to art. 74 Para. (5) Of the Constitution, legislative proposals must be first submitted to the competent Chamber to adopt, as a first notified Chamber. As regards citizens' initiative, it can be exercised only with respect to art. 74 Para. (1) Of the Constitution, on the representativeness of the initiative, and the paragraph. (2), on matters that can not be covered by this initiative. Thus, according to par. (1) Legislative initiative may belong to at least 100,000 citizens entitled to vote. Citizens who exercise their right to legislative initiative must come from at least a quarter of the counties and in each of these counties and in Bucharest to be recorded at least 5.000 signatures in support of this initiative. According to Para. (2) Of the same

constitutional provisions, is not legislative initiative of citizens on matters concerning taxation, international affairs, amnesty or pardon. The procedure for the exercise of legislative initiative by citizens is regulated in detail by Law no. 189/1999. Senators, Member of Parliament and citizens exercising their right of legislative initiative may present proposals only in the form required for draft laws (Article 74 Para. (3) And (4) of the Constitution). Government legislative proposals shall be communicated within 3 days of recording, to rule and the application of Art. 111 Para. (1) Of the Constitution. Legislative proposals, belonging to either citizens or senators or deputies may not have the material objects that exist solely in connection with the exercise of legislative initiative, such as the draft state budget law and the state social insurance budget, and amending bills to account for budget implementation, which, according to art.138 par. (2) Of the Constitution, are prepared by the Government. Also, the interpretation of art. 92 and 93 of the Constitution, only the President of Romania has the right to declare partial or general mobilization of the armed forces, to take measures to repel an armed aggression against the country, to establish a state of siege or state of emergency, all these measures being taken prior approval or, if necessary, subsequent Parliament. A special situation is the initiative to revise the Constitution, the only authority that can exercise this right is the President, at the Government proposal. Also, according to art. 150 Para. (1) Of the Constitution, this right belongs and of at least a quarter of the number of deputies or senators, and at least 500,000 citizens entitled to vote. These citizens must come from at least half the counties and each of them in Bucharest or to be registered at least 20,000 signatures in support of this initiative.

**Approval of the draft law or legislative proposal.**

A separate issue, prior examination of projects and legislative proposals, one is their approval by the Legislative Council. The overall competence of the art is given. 79 of the Constitution, which states that is an advisory expert body of Parliament, which approves draft laws to a systematic unification and coordination of all legislation. Law nr.73/1993 for the establishment, organization and functioning of the Legislative Council provides this body functions in terms of analyzing and approving draft laws and legislative proposals, to be subject to regulation, as well as those received by the parliamentary committee hearing in the background after their adoption by one of the Houses of Parliament. According to art. 3. (1) of law, draft laws and legislative proposals are subject to Parliament debate, with the Legislative Council.

According to art. 3. (1) of law, draft laws and legislative proposals are subject to Parliament debate, with the Legislative Council. Senators and deputies, authors of legislative proposals, and ministers may attend on their own initiative or at the invitation of President of the Legislative Council to examine, in its sections, the draft legislation submitted for approval. Also, initiators or authority sought the opinion of the Legislative Council may request additional information or invite the chairman or his representative to debate the legislative proposals or projects approved. Thus, according to the Law on organization and operation nr.109/1997 Economic and Social Council are subject to endorsement of this body all legislative initiatives on the restructuring and development of national economy, privatization, the functioning and competitiveness of businesses, labor relations and wage policy, social protection

and health care, education, research and culture, monetary, financial, fiscal and revenue. In all cases, notices are required in terms of application and accompaniment legislative initiative and not in terms of content.

The bills originated by the Government, come with all necessary approvals, required by law, are recorded in order of receipt, in accordance with Regulations of each Chamber and analyzing permanent office that is competent Chamber to debate, as a first notified Chamber, the draft law, according to Article 75 para. (1) of the Constitution. Assuming that it is for the respective House to debate the bill in question, it is submitted for approval to the standing committees. Unlike bills initiated by the Government, legislative proposals are subject to the same procedures for verifying competence, which are transmitted first Legislative Council, Economic and Social Council and other bodies or institutions, for endorsement. Also, as far as the legislative proposal involves an amendment to the state budget or state social security budget, it is transmitted and the Government to formulate an opinion. After being sent notices by the authorities and institutions mentioned legislative proposals are forwarded by the Standing Bureau, standing committees for endorsement. Projects subject to legislative initiative of citizens shall be submitted for approval of the Legislative Council by one of the members of the initiative, according to law and opinion, together with legislative proposals, published in the Official Gazette, Part I.

**Examination and approval of projects and legislative proposals in the standing committees of each chamber.** In order to debate and legislative initiatives adopted by the plenum of each Chamber, the draft laws and legislative proposals are discussed in the standing committees. According to art. 39 of the Rules of the Senate standing committees are working bodies, elected office throughout the Senate, examining draft laws and legislative proposals to develop reports and opinions, parliamentary inquiry that can and can request reports, information and documents from public authorities whose activities fall within their remit. According to article 37 of the Regulations of the Chamber of Deputies, the standing committees are working bodies of the Chamber of Deputies, established in order to fulfill the tasks entrusted to them in preparation for the Chamber of Deputies. After registering legislative initiatives and problem solving ability, permanent office, signed by the President of each Chamber, notify the competent standing committees, to draft reports and drafting opinions.

According of each Chamber, where another commission considers itself competent than before on a bill, a legislative proposal or amendment, or where the committee believes that the initiative is responsible transmitted to other committees, conflict resolution request for jurisdiction shall submit to the Standing Bureau. In case of refusal on his part, the Chamber decides on conflict of jurisdiction by a majority of senators present. Standing Committee receives the fund is one that will be subject to Senate debate on the draft report and proposed legislation that was before it, thus ensuring preparation of the plenary session. To review and approve a bill or legislative proposal it is necessary they can be determined basically by several standing committees. If the law draft state budget, state social insurance budget or the amendment to the debates shaping the parliamentary joint committee reports, they are notified separately, the Standing Bureaus of the Chamber they belong. In the compilation of reports, opinions or joint specialized standing committees may meet in joint session.

**Emergency procedure.** At the request of the Government or on a permanent bureau, parliamentary groups or standing committees, the Chamber of Deputies or the Senate may adopt draft laws or legislative proposals under an emergency procedure. Request of the Government or of the

bodies entitled the Senate is approved by a majority of Senators, in the day the request was made or, if senators are not in plenary session on the first day following its registration. Of law, the ordinances issued by the Government under Article 115. (4) Of the Constitution shall be approved by the competent Chamber in an emergency procedure. They are also subject to law, the debate in an emergency procedure and laws discussed under Article 75 Para. (4) and (5).

**Include bill or legislative proposal on the agenda of the meeting of the Senate. Both Houses of Parliament.**

Regulations include provisions relating to the preparation, content, adoption and amendment of the agenda and work program. According to parliamentary regulations, the draft agenda of Senate meetings and work program is prepared by the Permanent Bureau with the participation of presidents of parliamentary groups and standing committees, and consultation with the Government representative for relations with Parliament, and approved by the Senate. For other proposals or documents than in the legislative field, they transmit the Permanent Bureau at least two days before the meeting of the Standing Bureau, except where by law, regulation or a decision by the Senate provides for a term not short.

The draft agenda for next week is subject to Senate approval, shall be adopted by a majority of Senators on the last day of work in plenary week; senators are distributed and displayed at the Senate.

**a. Debate in plenary session.** Debate a bill or legislative proposal is made successively by Senate, according to the agenda adopted, and involves three distinct phases: general discussion, debate and final vote on the text. According of each Chamber, to the start of the general debate, with the approval of the plenary, the Senate (Article 88) and to the inclusion on the agenda, the Chamber of Deputies (Article 90) initiator may withdraw its draft or proposal, this right is the corollary right of legislative initiative. If the bill or legislative proposal was adopted by one of the rooms, the withdrawal may not be required at the time of intimation to other rooms.

**General debate.** This phase is preceded by a presentation by the originator or his representative, the reasons that led to the promotion of the project and report to the Standing Committee hearing on the merits. The report is presented as a rule, by the chairman of the committee or a rapporteur designated by the committee. In this phase, the rule is that each parliamentary group may designate a single representative to join the statement. The initiator of the project or proposed legislation or, where appropriate, his representative has the right to speak before the conclusion of general debate, as the rapporteur of the committee asked the fund. Typically, the general debate, aiming to clarify some aspects of the project in principle, does not end with voting. Also under the new procedures adopted by the Chamber of Deputies and the Senate if the bill was not rejected and is found by the report of the committee asked the fund, have not made changes or additions to the text of the draft or legislative proposal, after general debate the bill shall be subject to the entire final vote.

**b. The debate on the text.** After general debate, where lead commission made changes or additions to the text of the bill or legislative proposal, contained in its report, the President shall consult the plenum if these observations, continuous texts and debates on these observations only. During debates, senators or deputies, if necessary, parliamentary groups or the Government may challenge within the committee amendments tabled. Discussing texts begins with proposing the elimination of text and continue with the amending or supplementing them. It should be noted that the Senate president has the right to limit speaking time, depending on the subject of debate, or to propose suspension of the plenary discussions. Amended text is put to the vote.

**Voting law.** According to art. Senate Regulation 121 and Article 114 of the Regulations of the Chamber of Deputies, Senator vote is personal, which means that it can not be exercised by another person. Open and public vote can be done by show of hands, by roll call by lifting the legs or electronically. Secret ballot may be cast by ballot vote for the election or appointment to some functions, balls or electronically where voting laws, rulings or motions. The final vote on the law there is a shift from specialized texts deliberation according to the law entirely. Laws adopted, so voted by the Senate or the Chamber of Deputies may be constitutional, organic laws and ordinary laws. In determining voting results, it is essential minimum number of votes necessary for decision to be adopted. This can be simple majority, absolute or qualified. Simple majority quorum is most related to the vote, ensuring that the voting result will be the majority of those present. The absolute majority is the majority reported the total number of senators or, where appropriate, of

Chambers of Deputies and Senators met in joint session. A qualified majority for the worst and most important measures that can be adopted in decision-making, such as revision of the Constitution and impeachment of the President of Romania (article 96 of the Constitution). Essential condition for the vote takes place is the existence of a quorum. Quorum to vote means the minimum number of Members of Parliament present for the vote to take place and is a prerequisite to voting on which this decision to have meaning.

**Return to the first room before the law.** Under current constitutional provisions, the first notified Chamber is obliged to adopt a bill with 30, 45 or 60 days, as it is an emergency ordinance, a bill to circumscribed areas of Article 75 Para. (1) or the complex codes or other laws. If the first notified Chamber does not adopt the bill within the period prescribed by the Constitution, the draft law or legislative proposal is deemed adopted as submitted for debate by the originator. After the adoption or rejection of the first notified Chamber, the bill is sent to the other rooms that will make a final decision.

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