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**The Responsibility of Subjects Implicated in the Adoption of
Unconstitutional Norms in Romania**

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Abstract: The purpose of the present paper is to analyze certain aspects regarding the responsibility of actors involved in the enactment activity, with an emphasis on the case of adopting unconstitutional norms. This subject was chosen starting from the situations occurring in practice following the creation of legal rights through judicial norms, subsequently declared as being unconstitutional. The analysis of the existent judicial frame in this matter leads to the conclusion that the judicial commitment of the actors involved in the enactment process cannot be involved, with the exception of the personnel of the Legislative Council and the Government. Practically, there is no specific sanction for these situations. Our conclusion is that in such situations, the Romanian legislation does not protect the citizen against the results generated by the defective practice in the enactment activity. In consequence, we have formulated propositions *de lege ferenda*.

Keywords: responsibility; judicial liability; enactment; malpractice; unconstitutional judicial norms

1. Introduction

The restoration of the state of law in Romania gave a new dimension to the principle of legality. According to the provisions of the Romanian Constitution “the respect of the Constitution, its supremacy and laws it is mandatory”² which means that the social and judicial mechanisms of the democratic state have to allow being a reality and not a simple statement or a sterile judicial regulation. The fundamental change produced at the level of the mind of each individual, following the restoration of the state of law in Romania should be the replacement of the concept that the legislation has to be respected by fear with the concept that the legislation is a means of protection of the citizen as person and of the environment he lives in- with its natural component and the social realities in which the lives- and as a consequence, has to respect the legislation if he wishes for a better life. In order that such a line of thought to become part of our subconscious, it is necessary for all of us to feel that the authorities, which offer content to the norms composing our legislation, act with maximum professionalism and maximum responsibility, to feel that in the judicial norms are consecrated those values that are real fundamentals for the collectivity.

We proposed an analysis of the aspects regarding the responsibility of the actors involved in the enactment process, with an emphasis on the situation of the adoption of unconstitutional norms. We chose this subject starting from the situations that appeared in practice after the creation of some legal rights through the judicial norms subsequently declared as being

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² Article 1, par. 5, Romanian Constitution, republished in the Official Monitor, no. 767 on October 31st, 2003.

2. Problem Statement

In practice, some litigious situations appeared when, following the emergency of a legal right, it was necessary to promote some judicial actions for the exploitation of that right. Sometimes the judicial norm that consecrated the legal right- comprised in laws or emergency ordinances of the Government- was declared unconstitutional.

Unfortunately, the level of professionalism of the actors involved in the enactment process or their good faith are denied by the decisions of the Romanian Constitutional Court which declares some regulations as being unconstitutional. By statistically analyzing the jurisprudence of the Romanian Constitutional Court¹ we notice that beginning with 1993, between 9 and 35 exceptions of unconstitutionality were admitted, out of which the majority have resulted from subsequent control, namely 26. In the past 20 years, following the posterior control, the Constitutional Court has observed that at least 3 judicial norms (in 2005) of the Romanian legislation were in contradiction with the provisions of the Romanian Constitution, if we admit that a decision declares as being unconstitutional only one judicial norm.

By analyzing the content of the decisions of admission for the same period of time, we observe that beginning with 1998, the Court admitted also a significant number of exceptions of unconstitutionality regarding judicial norms adopted by the Government in the virtue of the government prerogative "legislative delegation". Even if out of the very large number of exceptions of unconstitutionality that reach the Constitutional Court a small very small number are admitted, the question marks regarding the quality of the performance of the actors involved in the enactment activity still remain. Practically, the decisions of admittance of the exceptions of unconstitutionality only give us a clue regarding the fact that there are unconstitutional judicial norms, fact which we can find not because the Legislative Council would signal it, but because a subject of law has the legal right to refer the Constitutional Court had the initiative to refer to the Court, for one reason or another. We do not know how many unconstitutional norms are still pending. We will mention the example that determined the present study. Thus, the Romanian legislative adopted Law 221/ 2009 regarding the political convictions and the administrative measures assimilated to them issued between March 6 1945 and December 22 1989². Through this normative act, the legislator defined "the political conviction" and "administrative measures assimilated to it" disposed during the communist regime in Romania and consecrated the legal right of any person, their descendants, of any legal or private person interested and the prosecutor's office³ of the court within the person's jurisdiction to dispute the political character of the conviction. Also, through article 5, paragraph 1 of the same Law it has been established that "(1) Any person with political convictions between March 6, 1945 and December 22, 1989 or any person representing the object of administrative measures with political character as well as, after the decease of that person, their descendants up to the second degree, can require the instance, within 3 years from the entering in force of the resent law, to oblige the state: a) to grant damages for the moral prejudice suffered as a consequence of the conviction (...); b) to grant damages representing the equivalent of the goods confiscated through conviction or as an effect of the administrative measure, if the goods haven't been reimbursed or the person did not receive equivalent reimbursements under the provisions of Law 10/2001 regarding the judicial statute of some buildings abusively taken between March 6, 1945 and December 22, 1989, republished, with the subsequent amendments and completions or Law 247/2005 on the reform in property and justice, as well as several adjacent measures, with subsequent amendments and completions; c) to restore rights, in the cases in which the decision leading to the conviction included the incapacitation or military degradation". According to the mentioned paragraph 2, article 5 the judicial rulings "issued in the virtue of paragraph 1, a) and b) are applied by the Ministry of Public Finances through the general directorates of county public finances, respectively Bucharest". As a consequence of the emergency of the legal right to benefit from damages for the

¹ See Annex 1 at the present study, being based on the information on the website <http://www.ccr.ro>, accessed on March 12, 2012.

² Published in the Official Monitor, Part I, no.396 on June 11, 2009.

³ Article 4, paragraph 1, Law 221/ 2009.

moral prejudice, damages representing the equivalent of the value of the confiscated goods by conviction or as an effect of the administrative measure and restoration of rights, in case in which the decision of conviction disposed the incapacitation or military degradation, judicial actions were promoted for the exploitation of that right. When the Constitutional Court declared the regulation creating the right to damages for moral prejudice as being unconstitutional, the procedural undertaking could have been listed in one of the three cases: a) the court definitively and irrevocably admitted the request, the right being recognized and awaiting exploitation; b) the request has been admitted by the instance, the litigation is pending for the ruling of an appeal, the decision of the Constitutional Court having effects on the solution issued by the court judging the appeal; c) the action is pending and in this case the Constitutional Court will produce effects on the solution. Consequently, a non uniform and discriminatory practice is created regarding the people that benefited from the judicial norm that was after declared as being unconstitutional. Therefore, the persons that promoted judicial actions but did not obtain a definitive and irrevocable solution will not be able to exploit the right which led to the question we are trying to answer through this undertaking. To such a question we assert that an answer must be given, especially for the cases in which the judicial norm would produce effects for a sufficiently long time for the deployment of a complete procedural complex (issuance of a definitive and irrevocable judicial decision).

3. Concept and Terms

The concept of responsibility refers to the capacity of a subject of law to admit the consequences of the conduct adopted thus the facts and inactions. The judicial liability is concrete and consists in the consequence- from a sanction point of view- of adopting a certain conduct by a subject of the law, conduct that breaches those enlisted in the judicial norm. The judicial liability is materialized in a sanction, while the responsibility is only a theoretical concept. (Nicu, 2007, p.318).

4. Solution Approach

In the analysis of the Romanian legislative frame regarding the enactment, we start from the provisions in the Romanian Constitution in the form revised in 2003. In the articles 74 to 78 it is stated who does the legislative initiative belong to, which are the fundamental aspects related to the debate of the bills, adoption of laws, their promulgation and their entering into force but in paragraph 1, article 72 the constituent legislator stated: “Deputies and senators cannot be judicially liable for their votes or for their political opinions expressed in exerting their mandate”. Since the adoption of the laws is made by vote, the formulation of amendments for the texts of the laws, their support or rejection is made through the expression of opinions at the Parliament tribune in exerting the mandate of parliament member and their adoption or rejection is made through vote, it clearly results that the deputies and senators have a moral responsibility, as article 72, paragraph 1 in the Constitution interdicts the liability of the members of the parliament for the “ votes or political opinions expressed in exerting their mandate” this being the first component of what in the Fundamental law is called “parliamentary immunity”.

We continue the analysis with the provisions of Law 73 on November 3, 1993 for the establishment, organization and functioning of the Legislative Council, republished, correlated with the provisions in article 79 in the Constitution, which states that: “The Legislative Council is a special consultative organism for the Parliament, which approves the drafts of normative acts in order for the entire legislation to be systematized, unified and coordinated. The Council keeps the official record of the Romanian legislation”. In article 2, paragraph 1.a) and b) it is stated that “Article 2 (1) of the Legislative Council has the following attributions: a) analyses and approves the drafts of law, legislative proposals and ordinance and decision projects with normative character of the Government, in order to bring them to enactment and approval, depending on the case; b) analyses and approves, upon the request of the President of the parliament commission, the amendments before the

commission and the drafts of law or legislative proposals received by the commission after their adoption by one of the Parliament Chambers” and in paragraph e) “it examines the conformity of the legislation with the provisions and principles of the Constitution and appraises the permanent offices of the Parliament Chambers and, in some cases the Government, on the cases of unconstitutionality; it presents, in maximum 12 months from establishment, proposals for the compliance of the legislation prior to the Constitution with its provisions and principles”. These mentions underline the fact that at the Constitutional Court, all the exceptions should be rejected as not being grounded if the Legislative Council would exert their attributions in a correct manner. The fact that there are decisions of admittance of the exceptions of unconstitutionality indicated that there are acts of un-thoroughness in many of the current activities of the Legislative Council. If in what concerns the members of the parliament the immunity makes impossible the judicial liability, in what concerns the members of the Legislative Council, article 23 in Law 73 on November 3, 1993 on the establishment, organization and functioning of the Legislative Council, republished, states that “Article 23 (1) The breach of the provisions in the present law and the dispositions of the organization and functioning regulation of the legislative attracts the liability of those guilty and the application of the disciplinary sanctions provisioned by law for the public servants. (2) The president of the Legislative Council and the section presidents are investigated for the disciplinary misconducts by the joined judicial commissions of the two Chambers and the disciplinary sanctions are applied by the permanents offices of the Senate and Chamber of Deputies. (3) The execution specialized personnel is investigated for the disciplinary misconducts by the Commission of appointments and discipline of the Legislative Council and the sanctions are applied by the president of the Legislative Council, under the provisions of the law and of the organization and functioning regulation”. In article 25 of the same normative act it is stated that the statute of the public servants in the specialized structures of the Legislative Council is approved by special law. Therefore it is possible to ensure the quality of the judicial norms if this link involved in the enactment activity is actively involved and rigorously fulfills its attributions. As long as there are decisions of the Constitutional court admitting exceptions of unconstitutionality it means that there are cases of the Legislative Council not fulfilling its attributions but also the judicial commissions of the two chambers not fulfilling these attributions, respectively the permanent offices of the Senate and chamber of Deputies.

Another actor involved in the process of enactment is the President of Romania who, according to the provisions of article 80, paragraph (2) in the Constitution “watches over the compliance with the Constitution and the good functioning of the public authority”. When an exception of unconstitutionality is admitted, the President can call the Legislative Council and the Presidents of the two Chambers for discussions in order to analyze together the cause that determined the enactment in disagreement with the provisions of the Constitution or can request information from the two institutions regarding this aspect and depending on the conclusion of this information, can request the engage of liability for the culpable ones. What happens if the President does not take action against the existence of unconstitutional regulations that had effects for a period of time and their unconstitutionality was observed afterwards? Article 96 in the Constitution regulates incrimination only for high treason and article 95 of the fundamental law states that “in case of committing serious acts that breach the provisions of the Constitution, the President of Romania can be suspended from function by the Senate and the Deputies Chamber, in joint session, with the majority vote of the deputies and senators, after the consultation of the Constitutional court”. There is no legal ground that would lead to the conclusion that between the obligation “to watch over the compliance with the Constitution and good functioning of the public authorities“ and “committing serious acts that breach the provisions of the Constitution” would exist a relation of determination namely not investigating which is the cause of the existence of unconstitutional regulations could determine the sanctioning of the President. Although the fact that a number of citizens enter in judicial relations regulated by norms that breach the Constitution is serious, affecting a number of Romanian citizens, it is not accepted that the procedural costs determined by its suspension will be supported as long as the regulation does not harm the legal rights or legitimate interests of the majority of the Romanian citizens.

The Romanian Government, in the virtue of article 115 of the Constitution- Legislative Delegation- can issue ordinances, based on an empowerment law, in areas that are not part of the organic laws. The empowerment law mentions the domain and date the ordinances can be issued. Also, the Government can issue emergency ordinances but only in extraordinary cases in which the regulation cannot be postponed, with the obligation to motivate the emergency in their content. Therefore, the Government is another important actor involved in the enactment activity. In what concerns the judicial liability, article 2 in Law on the ministerial liability no.115/1999 republished stipulates only a political liability towards the Parliament, following the vote of confidence granted by it on the appointment and a political liability of each member of the Government in cohesion with the other members for the activity of the Government and for its actions.

Article 5 of the same normative act stipulates that “besides the political liability, the members of the Government can answer from a civil, contravention, disciplinary or criminal perspective, according to the common law in these matters, to the extent in which the present law comprises derogatory dispositions” but obviously individually and not the Government on the whole.

In the Law of administrative contentious no.554/2004, in article 9 (1) it is stipulated that “the person who’s right or legitimate interest was breached through ordinances or ordinance dispositions can submit an action with the court of administrative contentious, accompanied by the exception of unconstitutionality, as far as the main object is not the finding of the unconstitutionality of the ordinance or the disposition in the ordinance” and paragraph (5) stipulates that “The action provisioned by the present article can have as object granting damages for the prejudice caused by the Government ordinances, the annulment of the administrative acts issued based on them and, in some cases, the request that a public authority to issue an administrative act or perform a certain administrative operation”. Regarding this regulation, a few observations are imposed, demonstrating the necessity of improving the regulation that is not sufficiently precise, having the role of notifying the institution of a procedural means rather than the actual institution of that procedure. The first observation is that the “solution promoted by the new law regarding the actions against the ordinances of the Government is a new solution, unprecedented and it follows the creation of the possibility of the person aggrieved by Government ordinances to begin a litigation at the court of administrative contentious that would allow the elimination of the exception of unconstitutionality, in the cases in which the Court hasn’t ruled on the ordinances and dispositions considered detrimental” (Tofan, 2005, p.90-103).

Another observation is that “this article can be criticized from many perspectives. First, it doesn’t regard the fact that, in practice, the Government sometimes issued individual ordinances. These individual ordinances cannot be assimilated to legislative acts and, consequently, they are not susceptible of being attacked at the Constitutional Court using the exception of unconstitutionality. In consequence, they can be annulled for being illegal in any court of administrative contentious without being necessary for them to be declared as being unconstitutional by the Constitutional court and the court of common law will be able to eliminate them from the solution of the process using the exception of illegality”. (Drăganu, 2004, pp. 57-65). Also, it has been voiced that “the unconstitutionality of the ordinance or some dispositions in it cannot be automatically and integrally grounds for liability but rather the element around which the problematic of the damages will be linked to, according to all the rules of liability: direct damage, existence and spread of the direct prejudice, the cause etc. It is the reason for which article 9 (3) stipulates that at the court of administrative contentious the cause is to be resumed after the ordinance or dispositions in the ordinance are declared as being unconstitutional case in which, starting from the new normative reality thus constituted, the process follows its natural course with the administration of evidence in order to prove the damage, the spread of the prejudice, with the finality of the liability of the issuer. But since in the in the text philosophy the simple declaration of unconstitutionality cannot be equivalent with the presumption of individual direct prejudice, as the two thesis are joined in the idea of cumulatively fulfillment for the existence of the issuer’s liability, it is obvious that the instance of administrative contentious will be able to reject a certain action if, for example, the administrative evidence doesn’t

indicate a prejudice or if between the application of the unconstitutional texts and the existing and demonstrated prejudice a relation of cause. In practice it will remain as an issue of “weighing” by the judge and the hypothesis of establishing to what extent the application of the unconstitutional dispositions in the ordinance is the cause of the prejudice so that, unlike the classic illicit fact which generates a prejudice, this issue might impose more complex approaches in certain situations” (Scutea & Popa, 2006, pp. 84-101).

In what concerns the Romanian Constitutional Court, according to the provisions in article 146 from the Constitution, among its attributions it is comprised: “a) decided upon the constitutionality of the laws, before promulgating them, at the notification of the President of Romania, one of the presidents of the two chambers, the government, the High court of cassation and justice, the Ombudsman, a number of at least 50 deputies or at least 25 senators, as well as ex officio, on the initiatives of reviewing the Constitution; b) decides upon the constitutionality of the treaties or other international agreements, upon the notification from one of the two presidents of the chambers, at least 50 deputies or at least 25 senators; c) decided upon the constitutionality of the Parliament’s regulations, at the notification of one of the two presidents of the two chambers, a parliament group or at least 50 deputies or at least 25 senators; d) decides upon the exceptions of unconstitutionality regarding the laws and ordinances, brought to the judicial courts or commercial arbitrary courts”.

According to the provisions of article 147 (4), the decisions of the Constitutional Court are published in the Official Monitor of Romania, from the date of publishing the decisions have mandatory character and have power only for the future. It results therefore in a discriminatory treatment between the subjects of the judicial reports constituted and finalized before the adoption of the decision of the Constitutional Court and the ones participating in the judicial relations still ongoing at the moment of the adoption of the decision. If the regulation would conclude that the dispositions of the decision have also retroactive effects, a higher concern for the quality of the regulation will be noticed. According to the provisions in article 2, Law 47/1992 republished, on the organization and functioning of the Constitutional Court, republished, the Constitutional Court decides only on the constitutionality of acts upon which it was apprised without being able to modify or complete the provisions under control and the article 61, paragraphs (1) and (2) stipulates that the “judges of the constitutional court are independents in exerting their attributions and are immovable during their mandate. (2) The judges of the constitutional court cannot be held accountable from judicial perspective for their opinions and votes expressed when adopting the solutions”.

5. Analysis of Results and Conclusions

In conclusion, from the interpretation of the regulations it results that except for the Government – in case of the simple and emergency ordinances- and the personnel of the Legislative Council, no other actor involved in the enactment process can be held accountable for the poor quality of the regulations but in the case of the Legislative Council, the citizen is not the one that can determine the liability.

The judicial courts, if they would be appraised by a citizen who, following the decision, would oblige the Parliament, President of Romania or the Legislative Council to damages following the breach of a legitimate right or a legitimate interest or because he was materially prejudices, by declaring a judicial norm as unconstitutional, the court would have nothing to analyze because the Parliament and President of Romania do not have passive procedural quality in relation to the quality of judicial norms and the Legislative Council does not have judicial personality, therefore cannot be placed in justice on its own behalf. In consequence, if the judicial norms in the laws are declared as being unconstitutional no one can be called to justice for damages, although in article 147 in the Constitution the effects of the decisions taken by the Constitutional Court of admitting exceptions of unconstitutionality are the same for the norms comprised in laws and for the norms comprised in ordinances.

In what concerns the notice of the Legislative Council, according to the provisions of article 3, paragraph (3) in Law no.73/1993 “the notice is consultative and has as object: a) accordance of the proposed regulation with the Constitution, with the frame laws in that domain, with the regulations of the European Union and with the international acts Romania is part of and in case of the drafts of law and legislative proposals, the nature of the law and what is the first chamber that will be appraised; b) ensuring the correctitude and clarity of the judicial language, eliminating the contradictions or inconsistencies within the draft of the normative act, ensuring the complete character of its provisions, respect of the norms of legislative technique as well as the normative language; c) presentation of the implications of the new regulation in relation to the legislation in force by identifying the legal dispositions which, having the same object of regulation, would be abrogated, modified or unified, as well as avoiding to regulate identical aspects in different normative acts”.

Regarding the drafts of ordinance and normative decisions, article 4 in the same normative act stipulates that they “are to be adopted by the Government only with the notification of the Legislative Council regarding the legality of the measures stipulated and the way in which the requirements mentioned in article 3, paragraph (3) are accomplished and applied correspondingly” the notification having consultative character.

In conclusion, in our opinion, the improvement of article 3, paragraph 3 and article 4, paragraph 2 in Law 73/1993, republished, namely by transforming the notification with consultative character in notification with imperative character, in stating the consequence of the existence of negative measures in the notification, meaning that the text needs to be reformulated so that the inconsistencies signaled by the Legislative Council are eliminated.

We assert as being viable also the option of introducing in the law a new article that would stipulate that in case the Legislative Council criticizes and signals the inconsistencies between certain texts in a draft of law and the constitutional norms, the law will be transmitted to the Constitutional Court for prior control before promulgation, together with the notification given by the Legislative Council. In what concerns the inconsistency of certain texts in a draft of ordinance or emergency ordinance with the constitutional norms, we assert that the only possible option is the imperative character of the notification given by the Legislative Council.

De lege ferenda we assert as being necessary also the review of the Constitution, namely the reformulation of paragraph (1) in article 72 as follows “(1) The deputies and senators cannot be held judicially accountable for the votes or political opinions expressed in exerting their mandate, except for the cases of adopting regulations that are contrary to the Constitution, case in which their civil liability can be involved” and in article 80, the text of paragraph (2) would have to stipulate that “(2) The President of Romania supervises the respect of the Constitution and the good functioning of the public authorities, his civil liability being involved for the promulgation of laws that contain unconstitutional regulations. To this end, the President exerts the role of mediator between the powers of the state as well as between the state and the society”.

Annex 1: Evolution of the number of decisions of admittance of the exceptions of unconstitutionality by the Constitutional Court of Romania between 1992 and November 19, 2011

YEAR	Total number of decisions of admittance	Number of decisions of admittance within the previous control (Number of the decision)	Number of decisions of admittance within the subsequent control (Number of the decision)	Mixed decisions (with interpretation reserves) (Number of the decision)	Number of decisions of admittance within the control of the Parliament Regulations (Number of the decision)
1992	2	2 (4,6)	0	0	0
1993	13	2 (6; 34)	10 (1;22;31;32;33;35;38;49;60;65;)	1 (1)	0
1994	29	5 (47; 48;49;75;139)	18 (3;9;11;18;24;32;52;56;59;60;64;72;81;99;114;128;131;137)	2 (1;2)	4 (45;46; 65;87)
1995	18	7 (19;44;45;62;72;73;124)	8 (1;10;66;81;90;91;101;128)	3 (1;2;3)	0
1996	17	6 (6;35;36;85;93;122)	11 (2;25;64;65;69;71;73;91;96;121;129)	0	0
1997	11	1 (392)	10 (82;97;105;214;279;342;463;482;486;546)	0	0
1998	21	1 (34)	19 (3;22;25;30;45;66;73;81;83;97;101;106;107;108;110;111;112;177;184)	0	1 (95)
1999	19	1 (70)	18 (5;11;24;28;29;47;72;80;85;87;88;89;90;143;150;160;165;234)	0	0
2000	14	1 (20)	13 (9;10;15;50;54;55;56;145;147;191;208;225)	0	0
2001	18	2 (98;104)	16 (70;82;101;106;136;148;171;176;193;253;255;277;303;322;348;349)	0	0
2002	9	1 (192)	8 (7;98;223;259;294;308;312;333)	0	0
2003	14	2 (148;300)	12 (67;86;89;127;176;187;193;217;233;259;388;463)	0	0
2004	9	1 (196)	8 (39;40;100;194;293;408;433;482)	0	0
2005	12	6 (217;235;255;375;418;600)	3 (90;176;568)	0	3 (62;601;602)
2006	15	3 (95;279;545)	11 (189;258;277;345;384;513;544;567;647;866;953)	0	1 (317)
2007	35	10 (16;147;230;355;421;666;970;971;972;1177)	23 (61;62;65;227;228;264;347;392;610;660;661;665;69;797;870;87;969;1058;1059;1086;1133;1137;1219)	0	2 (148;266)
2008	35	6 (38;453;472;857;1029;1218)	27 (51;66;190;369;467;569;602;603;604;737;742;755;818;819;820;82;823;830;884;997;1055;1150;1221;1325;1345;1352;1354)	0	2 (989;990)
2009	35	8 (54;55;710;1008;1039;1257;1557;1636)	26 (82;104;185;303;365;458;599;605;652;731;732;778;783;784;785;842;859;913;923;983;984;989;1037;1258;1555;1629)	0	1 (1558)
2010	24	6 (414;820;872;873;874;1018)	18 (109;269;415;503;570;571;694;723;903;984;1202;1276;1354;1358;1360;1394;1609;1614)	0	0
2011	8	1 (799)	7 (223;302;335;536;573;670;766)	0	0
General total	358	72	266	6	14

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*** Constitution of Romania.

*** Law no. 47/ 1992, republished.

*** Law no.73/ 1993, republished.

*** Law no.115/1999, republished.

*** Law no.554/ 2004, republished.

*** Law no. 221/2009, amended.

*** <http://www.ccr.ro>.