Foreign Investors Council

THE LEGISLATIVE PROCESS IN ROMANIA

I The Government's legislative process

A

Initiator (1, 2, 3)

*The ministries, specialized bodies of central public administration, autonomous administrative authorities, the prefects and county councils have the right to initiate draft legislative acts.

30+ Drafting the normative acts
- background note
- explanatory memorandum
- report on the need to adopt the draft law
- impact study
- full text of the draft law

10+ Public consultation (Law 52/2003)
- the draft legislation has to be made public under 30 working days prior to submission for approval by the public authorities
- after the draft is made public, the deadline for proposals, suggestions, comments has to be at least 10 days

10+ Consultation of the social dialogue partners *

* for the legislation with socio-economic impact (Law 62/2011)

Sending the draft acts to the Government (The General Secretariat) (1, 2)

B

3 Non-binding opinion of the competent institutions to deliver an approval

Non-binding opinion of the General Secretariat of the Government

4 Non-binding opinion of the Ministry of Finance, the Ministry of Justice and the Ministry of Foreign Affairs

Exceeding the deadlines for endorsement represents tacit approval.

Non-binding opinion of the Court of Auditors, the Competition Council, CSAT, CES, CSM

*if obtaining the opinion is mandatory

1* 2: 10⋮ Non-binding opinion of the Legislative Council

* for OUG
: draft laws that will be sent in emergency procedure to the Parliament
⋮ for the other draft normative acts

Non-binding opinion on opportunity of the Ministry for Liaison with Parliament

*for the draft OUG

Government's Agenda

or Adoption
or Postponed
or Rejection
Withdraw the draft

If the initiator does not agree with the comments made by the Legislative Council, the initiator must draft a note explaining why such observations and proposals were not integrated.

If the draft normative act is approved with amendments in the Government meeting, the initiator must modify the text accordingly.

C

The General Secretariat of the Government (1, 2)

→ III The Parliament's legislative process

→ Publication in the Official Journal (HG, OG, OuG)

II The citizens' legislative process

A

Citizens' Committee [at least 10 citizens having the right to vote]

→ 100,000 signatures from at least one quarter of the Romanian counties [minimum 5.000 signatures from every county]

B

Draft law (1, 2, 3)

C

30 Non-binding opinion of the Legislative Council

30+ Publishing in the Official Gazette

6 months Sending the draft law to the Parliament

→ III The Parliament's legislative process

III The Parliament's legislative process

A

30 OUG | 45 standard | 60 Codex and other complex laws

The Government's legislative process (I) | The citizens' legislative process (II)

15+ Non-binding opinion of the Legislative Council

15+ Opinion/point of view Government

15+ Non-binding opinion CSAT, CES, Competition Council, Court of Auditors, CSM [if the case]

The Standing Bureau of the Chamber to which the draft law was allocated (1, 2, 3)

The Lead Committee / Committee notified on the subject matter

30+ Consultative Opinions of the Specialized Commissions *

*assigned by the Standing Bureau

Any member of the Parliament

Adding to the agenda

Plenum of the Chamber (debate/amendments /vote)

or → A 2

B

The Standing Bureau of the Chamber that will make the decision (1, 2)

<=60 The Lead Committee

30+ Consultative Opinions of the Specialized Commissions*

*assigned by the Standing Bureau

Plenum of the Chamber (debate/amendments /vote)

C

20

President

or

D

Reexamination [right valid only once] → A

Promulgation → The Law is published in the Official Gazette

Positive opinion | Negative opinion → Initiator to amend the draft law

or

Constitutional Court

Government
The Presidents of the two Chambers of the Parliament
High Court of Cassation and Justice
Ombudsman
50 deputies
25 senators

E

Legend

- Two ways procedure
- One way procedure
- Possible procedure
- Public consultation
- 15+ Deadline (days)
- 60 Deadline for tacit approval
- NGOs, trade unions and employers associations can attend the debates in the Committees, either by invitation or requesting to do so.

Source:
The Constitution of Romania
Law No. 189/1999 on exercising legislative initiative by the citizens
Law No. 24/2000 regarding legislative technique norms for drafting the normative acts
Regulations of the Chamber of Deputies
Regulation of the Senate
Regulation regarding the procedures at the Government's level