



## Brief History

On the 11th of February 1864 the Law on *the establishment of a State Council*, based on a French model, was adopted in the Romanian United Principalities. Although it had a short existence, until the 30th of June 1866, the State Council was the main forerunner of the current Legislative Council.

After World War I, the Romanian Constitution stipulated the creation of a legislative drafting body, without judicial functions. Thus, the Law of 26th of February 1925 provided for *the establishment of the Legislative Council*, which became operational on the 1st of January 1926. Although it had a longer existence, it was dissolved on the 22nd of April 1948, after the coming into power of the communist regime.

The need of the State authorities for an institution to advise them in the preparation of the legislation had as a result *the re-establishment of the Legislative Council* by Law no. 15 from 15th of October 1971, institution which carried out its activity until December 1989.

The new Romanian Constitution, adopted in 1991, stipulated *the re-establishment of the Legislative Council*. After approval of its law and its rules of organisation and functioning, the Legislative Council started its activity on the 1st of April 1996.

The restructuring of the law system by the 1991 Constitution had as a consequence the occurrence of some contradictions between the former legislation, on the one hand, and the Constitution and subsequent legislation, on the other hand. For this reason, the constitutional text provided for the obligation of the Legislative Council to re-examine the former legislation, in order to put it in line with the provisions of the Constitution. Therefore, the legislative corpus as a whole was under review and the result was the abrogation of thousands of pieces of legislation.

## Legal Framework

The Legislative Council is one of the few Romania's fundamental institutions established by the Constitution. According to *art. 79 of the Constitution*:

„(1) The Legislative Council is an expert advisory body of the Parliament, which shall give opinions on the draft normative acts, for the purpose of the systematization, unification and co-ordination of the whole legislation. It shall keep the official record of the legislation of Romania.

(2) The setting up, organisation and functioning of the Legislative Council shall be regulated by an organic law.”

The *Law no. 73/1993 on the setting up, organisation and functioning of the Legislative Council* was adopted on the basis of art. 79 paragraph 2 of the Constitution; based on that law, it was subsequently adopted, by the two Chambers of the Parliament, the *Regulation on the organisation and functioning of the Legislative Council*.

Another piece of legislation relevant for the activity of the Legislative Council is the *Law no. 24/2000 on the legislative drafting rules*. The law was drawn up by a team of experts from the Council, fulfilling this way the task stipulated by Law no. 73/1993.

## Organisation

The main divisions of the Legislative Council are the following:

- ✓ Section of Public Law;
- ✓ Section of Private Law;
- ✓ Section of Official Record of Legislation and Documentation;
- ✓ Department for the Approximation of Legislation with the EU Law;
- ✓ Department of Legislative IT;
- ✓ Secretariat of the Legislative Council.

The Legislative Council is headed by the President of the Council, ranked as a minister, and each section by a President of Section, ranked as a deputy minister. The President of the Legislative Council and the presidents of sections are appointed by a majority vote of the deputies and senators, in a joint sitting of the two Chambers of the Parliament. The staff of the Council is made up of counsellors and experts.

## Functioning

**A. The consultative function.** For the purpose of fulfilling this function, the Legislative Council has the following powers:

- ✓ it analyzes and gives opinions on the draft laws submitted by the Government, the legislative proposals of the MPs, the draft ordinances as well as normative decisions of the Government, which are to be adopted or approved, as the case may be;
- ✓ on request of the chairperson of the relevant parliamentary committee, it analyzes and gives opinions on the amendments submitted to the committee as well as on the draft laws or legislative proposals received by the committee after their adoption by one of the Chambers of the Parliament;

The opinion of the Legislative Council is an advisory one and its object shall be as follows:

- ✓ compliance of the proposed legislation with the Constitution, the frame-laws in the area, the EU law and the international treaties Romania is a party to; in case of draft laws and legislative proposals, the Council has to point out the nature of the law (organic or ordinary), as well as which is the first Chamber to be notified;
- ✓ accuracy and clarity of the legal terms, removal of the contradictions or inconsistencies from the draft normative act, making sure that its provisions are complete, observance of the legislative drafting rules as well as of the legal language;

- ✓ showing the implications of the new legislation on the legislation in force, by identifying those legal provisions which, having the same scope, are to be repealed, modified or supplemented, as well as avoiding the regulation of identical aspects in different normative acts.

For the purpose of achieving its function, the Legislative Council has other powers as well:

- ✓ it sets out the consolidated text of the Constitution, as modified and supplemented, after the approval by referendum of the law on its amendment;

- ✓ it examines and gives opinion on the consolidated texts of the laws, as well as of the ordinances and decisions of the Government which were amended and for which the consolidation was stipulated;

- ✓ it gives opinion on the rectifications that are to be made to the normative acts, after their publication, in case material errors have been found.

**B. Keeping the official record of legislation.** With a view to achieving this task stipulated by art. 79 of the Constitution, the Legislative Council has the following powers:

- ✓ it keeps the official record of the Romanian legislation and provides the information required by the legislative procedures; it organises the electronic record of the legislation and develops IT products for the PC assisted record of legislation;

- ✓ it compiles the Romanian Legislation Repertory and provides its online version;

- ✓ it draws up the official versions of the collections of legislation.

**C. Other functions.** According to article 2 paragraph 1 of Law no. 73/1993, the Legislative Council may perform other functions as well:

- ✓ upon request of the Chamber of Deputies or the Senate, it draws up or co-ordinates the drafting of codes or other particularly complex laws;

- ✓ upon request of the Chamber of Deputies or the Senate or *ex officio*, it compiles studies for the systematisation, unification and co-ordination of the legislation and, on this basis, it forwards proposals to the Parliament or Government, as the case may be;

- ✓ it examines the conformity of the legislation with the provisions and principles of the Constitution and it notifies the standing bureaus of the Chambers of the Parliament or the Government, as the case may be, with regard to the identified non-constitutional cases;

- ✓ for the purpose of a unitary and coherent legislative system, it follows up the adoption by the competent public authorities of the implementation rules, as stipulated in laws, ordinances and decisions of the Government, and it notifies the relevant authorities about the delays;

- ✓ it updates, in an electronic format, the database required by the activity of legislative studies and documentation;

- ✓ it publishes on a quarterly basis the „Legislative Information Bulletin”, including information on the activity of the Legislative Council, as well as studies and book reviews signed by experts of the Legislative Council.

The site of the Legislative Council - [www.clr.ro](http://www.clr.ro) - , designed by the Department of Legislative IT, provides, besides general information on the Council's activity and relevant statistical data, an online version of the Romanian Legislation Repertory, compiled together with experts from the Section of Official Record of Legislation and Documentation.