LEGAL AND ADMINISTRATIVE STUDIES, www.jlas.upit.ro.
e-ISSN: 2344-6900, ISSN-L: 1583-0772
Supplement 2025, pp. 550-581

# CONSTITUTIONAL JUSTICE IN ROMANIA. REALITIES AND PERSPECTIVES

**Marius ANDREESCU**[1]
*ORCID [ID]:* 0000-0001-7424-0160
*E-mail:* andreescu_marius@yahoo.com
**Andra PURAN**[2]
*ORCID [ID]:* 0000-0002-8773-1548
*E-mail:* andra.puran@upb.ro
*Afiliation:* [1] "Acad. Andrei Rădulescu" Institute of Legal Research of the Romanian Academy
[2] Faculty of Economic Sciences and Law, National University of Science and Technology Politehnica Bucharest

***Abstract:*** *The ideal of the constitution, but also of constitutionalism, is also expressed through the concept of the supremacy of the constitution. We say that the supremacy of fundamental law is a quality that places it at the top of the political and legal institutions in a society organized in the state and makes the constitution the source of all regulations in the economic, political, social and legal fields. The most important consequences of the supremacy of the constitution are the conformity of all law with constitutional norms and the fundamental obligation of state authorities to exercise their powers within the limits and spirit of the constitution.*

*The supremacy of the Constitution would remain a mere theoretical matter if there were no adequate guarantees. In this sense, the term constitutional justice appears in the work of H. Kelsen, meaning "the constitutional guarantee of the Constitution" and in the work of Ch. Eissenniann, who defined it as: "that form of justice or more precisely of jurisdiction that concerns constitutional laws, without which the constitution is nothing more than a political program, binding only morally".*

*Constitutional justice is an essential component of the rule of law and the main guarantor of the supremacy of the Constitution.*

*In this study we analyze the most significant aspects regarding the role and functions of Constitutional justice in Romania. This study also includes an analysis of constitutional jurisprudence regarding the guarantee of the supremacy of the Constitution, including the relationship between constitutional norms and European Union law.*

*There are also proposals for lege ferenda regarding the completion of the powers of the Constitutional Court.*

***Keywords:*** *supremacy of the constitution; constitutional justice; guaranteeing the supremacy of the constitution; constitutional norms; rule of law; priority of European union law.*

## Introduction. The notion of constitutional justice

Constitutional justice designates the set of institutions and procedures through which the supremacy of the Constitution is achieved.

The components of constitutional justice are:

a) a state body competent to carry it out with the powers provided by the Constitution and the law;

b) a set of technical means and forms of implementation that present specific and exclusive elements;

c) the purpose of constitutional justice is to ensure the supremacy of the Constitution.

In the specialized literature, the powers that fall to constitutional justice have been emphasized:

a) ensuring the authenticity of the manifestations of the will of the sovereign people;

b) vertical and horizontal compliance with the powers conferred by the Constitution on various public authorities;

c) protection of the fundamental rights and freedoms of citizens;

d) resolving some of the contentious issues given by the Constitution to the competence of constitutional justice (Deleanu, 2006, pp. 810-817).

There is no identity between the concepts of constitutional justice and, respectively, constitutional review of laws. The latter is only a component part of the former.

In the sense of the definition proposed above, the general features of constitutional justice can be identified:

- it is a genuine jurisdiction, however, having some particularities compared to other forms of jurisdiction considering its purpose;

- it can use common procedural rules but also its own procedural rules written in the Constitution, laws and regulations determined by the nature of the constitutional dispute;

- it can be carried out by a specialized state body (political, jurisdictional, or with a dual nature), or by common law courts;

- it is an exclusive justice because it has the monopoly of constitutional litigation.

It is not always focused because the common law courts may have perspectives in the field of constitutional litigation:

- the independence of constitutional justice consists in the existence of a "constitutional status" of the body that exercises this type of jurisdiction, consisting in statutory and administrative autonomy independent of any public authority; verification of its own competence, the preeminence of abuses of constitutional justice over any other jurisdictional decisions: the independence and irremovability of judges and, in some cases, their designation using criteria other than those regarding the recruitment, appointment and promotion of career magistrates;

- the constitutionality control of laws represents only one part of constitutional justice, the other component refers to the duties regarding ensuring the authenticity of the manifestations of the will of the sovereign people and the jurisdictional guarantee of compliance with the Constitution. Therefore, not all the duties belonging to the constitutional judge are carried out within jurisdictional procedures.

## I. Contemporary realities of constitutional justice in Romania

The Romanian Constitution of 1991, which re-establishes the values of democracy and the rule of law, initially regulates the constitutionality review of laws in Articles 140-145, according to the

European model, the competence being vested in the Constitutional Court, which was established as an independent public authority.

There are several factors that explain the emergence and repeal of constitutional review of laws, including:

*a) Inconsistency between the Constitution and laws*. Of course, any Constitution is a law, but it differs from it by three factors: content, form and legal power. At the same time, the constitution has a much greater stability than the law, the latter being adopted, amended or repealed according to much simpler procedures than those followed for the adoption, amendment or repeal of the Constitution. The superior legal force of the Constitution is the expression of its quality of being supreme and implies as a consequence the conformity of all law with constitutional norms.

This conformity of the law with the constitution is not a given or an absolute presumption. Theory, but also practice, have demonstrated that given the dynamics and particularities of the legislative process, inconsistencies may arise between the law and the Constitution. Thus, by giving effect to group political interests, which, as a rule, belong to the majority, the parliament may adopt a law that contravenes constitutional norms. For the same reasons, the government could also adopt unconstitutional normative acts.

In other cases, the legislative technique regulated by the Constitution might not be respected by the parliament, which would lead to inconsistencies between the law and the Constitution.

*b) The need to interpret the Constitution and laws in order to establish the conformity of the law with the constitutional norms*.

The normative activity of drafting the law must be continued with the activity of applying the norms; in order to apply them, the first logical operation to be performed is their interpretation.

Both the Constitution and the law are presented as a set of legal norms, but these norms are expressed in the form of a normative text. Therefore, what constitutes the object of interpretation are not the legal norms, but the text of the law or the Constitution. A legal text may include several legal norms. A constitutional norm may be deduced from

a constitutional text by way of interpretation. The text of the Constitution is drafted in general terms, which influences the degree of determination of the constitutional norms. Through interpretation, the constitutional norms are identified and determined.

It should also be emphasized that a Constitution may include certain principles that are not clearly expressed expressis verbis, but they can be deduced through the systematic interpretation of other norms.

In the sense of what was shown above, in the specialized literature it was stated: "The degree of determination of the constitutional norms by the text of the fundamental law may justify the need for interpretation. The norms of the Constitution lend themselves very well to an evolution of their course, because the text is by excellence imprecise, formulated in general terms. The formal superiority of the Constitution, its rigidity, prevents its revision at very short intervals and then interpretation remains the only way to adopt the normative content, usually older, to the social reality in constant change. The meaning of the constitutional norms being by their very nature, that of maximum generality, its exact determination depends on the will of the interpreter." (Muraru, Constantinescu, Tănăsescu, Enache, & Iancu, 2002, p. 67)

The scientific justification of interpretation results from the need to ensure the effectiveness of the norms contained in both the Constitution and the laws, through institutions that mainly carry out the activity of interpreting the norms enacted by the author.

These institutions are primarily the courts and constitutional courts. The verification of the conformity of a normative act with constitutional norms, an institution that represents the constitutionality control of laws, does not mean a formal comparison or a mechanical juxtaposition of the two categories of norms, but a complex work based on the techniques and procedures of interpreting both the law and the Constitution.

Therefore, the need to interpret the Constitution is a condition for its application and ensuring its supremacy. The constitutionality control of laws is essentially an activity of interpreting both the Constitution and the law. It is necessary to have independent public authorities that have the power to interpret the constitution and thus examine the conformity

of the law with the Constitution. Within the European model of constitutional justice, these authorities are the Tribunals and Constitutional Courts.

*c) Application of the principle of separation and balance of powers in the state. Avoiding abuse of parliamentary power.*

The legislative function of the state is mainly the prerogative of Parliament. The exercise of the function also means the participation of several categories of authorities in accordance with the democratic principle of separation and balance of powers in the state.

The question arises whether there are limits to the power of Parliament to legislate and whether it is necessary to have a public authority to control the legislative activity of Parliament so that it does not become discretionary or abusive. In other words, within a democratic society there must be an institutional system that balances the power of Parliament to legislate and prevents it from becoming abusive.

The limits of Parliament's power to legislate are determined by the constitutional norms that determine legislative competence and procedure. Another limit is the need to respect the supremacy of the Constitution in terms of the content of the norms enacted by Parliament.

Therefore, the constitutional review of laws is the practical way of verifying the respect of the supremacy of the Constitution by the parliament and constitutes a counterweight to its powers in legislative matters. The doctrine stated that a constitutional court functions as a "negative legislator" because it eliminates the "poison of unconstitutionality" from the content of the law.

Constitutional courts and tribunals contribute to achieving the institutional and functional state balance in direct connection with the exercise of legislative power.

The constituent legislator, but also the ordinary legislator, must find the most appropriate procedures to respond to two major requirements: on the one hand, the need not to obstruct the exercise of the legislative function of parliament, by conferring exaggerated powers in the matter to other state authorities, and, on the other hand, the need to

ensure, within precisely determined limits, the binding nature of decisions of constitutional courts for parliament.

The need for constitutional review of laws is in fact the expression of the need to guarantee the supremacy of the Constitution in relation to the activity of parliament.

In Romania, constitutional justice is carried out concentratedly by the Constitutional Court. The seat of the matter is represented by the provisions contained in Articles 142-147 of the Constitution and those contained in Law no. 47/1992 on the organization and functioning of the Constitutional Court, republished (Official Gazette No. 807 of December 3, 2010).

The Constitutional Court is a guarantor of respect for fundamental rights and freedoms. In principle, there are three essential constitutional guarantees regarding the rights and freedoms of citizens established by the Constitution:

- the supremacy of the Constitution;
- the rigid nature of the Constitution;
- citizens' access to the control of the constitutionality of the law and to the control of the legality of acts subordinate to the law.

In Romania, the procedure of exception of unconstitutionality ensures indirect access of citizens to constitutional justice.

## II. Aspects of the jurisprudence of the Constitutional Court of Romania regarding the guarantee of the supremacy of the Constitution

We consider that some examples of judicial practice from the activity of the Constitutional Court are welcome to illustrate the contribution of this judicial authority to guaranteeing the supremacy of the Constitution, fundamental rights and to censuring the abuse of power by the rulers.

The constitutional court interpreted the notion of “law” to establish the scope of competence of the constitutionality control over normative acts. In the case law it was mentioned that the term “law” provided for in

art.146 letter. b of the Constitution is not used in a broad sense encompassing all normative acts, but only in its strict sense, of law, which means the normative act adopted by the Parliament and promulgated by the President of Romania. At the same time, this sphere also includes ordinances that represent normative acts adopted by the Government on the basis of a legislative delegation. "The concept of law results from the combination of the formal and the material criteria, since the content of the law is determined by the importance given by the legislator to the regulated aspects... resolving the exception of unconstitutionality regarding other normative acts is not within the competence of the Constitutional Court, these acts being controlled in terms of legality by the administrative courts." (Decision no. 435 of September 13, 2005, published in the Official Gazette no. 924 of October 17, 2005)

This decision of the Constitutional Court is important, because it results that courts, especially those dealing with administrative disputes in relation to the legal norms of competence, can verify the legality of a normative act, including from the point of view of its constitutionality.

The Court established that its role is to establish that the criticized legal provisions are constitutional and, at the same time, whether the interpretations given to them comply with the requirements of the Constitution, so that, to the extent that the criticized legal text can be given a constitutional interpretation, the Court will find the constitutionality of the legal provision in this interpretation and will exclude from application any other possible interpretations. (Decision no. 223 of March 13, 2012, published in the Official Gazette no. 256 of April 18, 2012; Decision no. 448 of October 29, 2013, published in the Official Gazette no. 5 of January 7, 2014) This solution of our constitutional court is important because it legitimizes, from a constitutional point of view, the so-called interpretative decisions of the Court by which the legal text criticized for unconstitutionality is not removed, but interpreted in the sense of constitutional norms in order to produce legal effects.

Several decisions have been issued by our constitutional court in connection with the establishment of its competence to rule on the

constitutionality of Parliament's decisions. We refer in this regard to an important aspect resulting from the case law in connection with the scope of constitutional review in this matter. In this regard, the Constitutional Court has consistently ruled that only Parliament's decisions, adopted after the conferral of this competence by the legislator, which affect constitutional values, rules and principles or, as the case may be, the organization and functioning of authorities and institutions of constitutional rank, may be subject to constitutional review. (Decision no. 53 of January 25, 2011, published in the Official Gazette no. 90 of February 3, 2011. See also: Decision no. 54 of January 25, 2011, published in the Official Gazette no. 90 of February 3, 2011; Decision no. 307 of March 28, 2012, published in the Official Gazette no. 293 of May 4, 2012; Decision no. 783 of September 26, 2012, published in the Official Gazette no. 684 of October 3, 2012)

At the same time, the Constitutional Court showed that the power to control Parliament's decisions "constitutes an expression of the requirements of the rule of law and a guarantee of fundamental rights and freedoms... the lack of jurisdictional control is equivalent to a transformation of the parliamentary majority into judges of their own acts." (Decision no. 727 of 9 July 2012, published in the Official Gazette no. 477 of 12 July 2012; see also Decision no. 80 of 16 February 2014, published in the Official Gazette no. 246 of 7 April 2014)

In the same sense, it was stated that accepting the contrary thesis, with the consequence of excluding from the exercise of constitutionality control the decisions of Parliament given in violation of the express provisions of the law, would have as a consequence, placing the supreme representative body of the people – Parliament – above the law and accepting the idea that precisely the authority constitutionally legitimized to adopt laws can violate them without being sanctioned in any way. (Decision no. 251 of April 30, 2014, published in the Official Gazette no. 376 of May 21, 2014)

One of the important issues that formed the subject of the Constitutional Court's analysis refers to the competence of this court to rule on the conformity of a normative act with a legal act of the European

Union institutions. In this regard, it has been consistently shown in case law that the constitutional court does not have the competence to carry out a conformity check between a directive and the national normative act by which it is transposed. A possible non-conformity of the national act with the European one does not implicitly entail the unconstitutionality of the national transposition act. It is up to the legislator to confer greater protection in national law compared to the legal instruments of the European Union. (Decision no. 415 of April 7, 2011, published in the Official Gazette no. 471 of July 5, 2011)

The Constitutional Court identifies the fundamental feature of the rule of law, namely the supremacy of the Constitution, and the obligation to respect the law. (Decision no. 232 of July 5, 2001, published in the Official Gazette no. 727 of November 15, 2001, and Decision no. 53 of January 25, 2011, published in the Official Gazette no. 90 of February 3, 2011). At the same time, it was stated in the jurisprudence of the Constitutional Court that the rule of law, ensuring the supremacy of the Constitution, also achieves "the correlation of all laws and all normative acts with it" (Decision no. 22 of January 27, 2004, published in the Official Gazette no. 233 of March 17, 2004)).

Thus, a particularly eloquent synthesis of the doctrine regarding the notion and features of the rule of law is achieved through jurisprudence. Significant in this regard is Decision no. 17 of January 21, 2015. (Published in the Official Gazette no. 79 of January 30, 2015) by which the Constitutional Court provides a pertinent explanation of the character of the rule of law, enshrined in art. 1 para. (3) Thesis I of the Constitution: "The requirements of the rule of law concern the major goals of its activity, prefigured in what is generally called the rule of law, a phrase that implies the subordination of the state to the law, the provision of those means that allow the law to censor political options and, within this framework, to weigh up any abusive, discretionary tendencies of state structures. The rule of law ensures the supremacy of the Constitution, the correlation of laws and all normative acts with it, the existence of the regime of separation of public powers that must act within the limits of the law, namely within the limits of a law that

expresses the general will. The rule of law enshrines a series of guarantees, including jurisdictional ones, that ensure respect for the rights and freedoms of citizens through the self-limitation of the state, respectively the framing of public authorities within the coordinates of the law."

The principle of stability and security of legal relations is not expressly enshrined in the Constitution of Romania, but, like other constitutional principles, it is implied by the constitutional normative provisions, namely art. 1 para. (3), which enshrines the character of the rule of law. In this way, our constitutional court accepts the deduction, by way of interpretation, of some principles of law implied by the express norms of the Fundamental Law.

In this sense, by Decision no. 404 of April 10, 2008, (Published in the Official Journal no. 347 of May 6, 2008), the Constitutional Court ruled that: "The principle of stability and security of legal relations, although not expressly enshrined in the Constitution of Romania, this principle is deduced both from the provisions of art. 1 paragraph (3), according to which Romania is a state governed by law, democratic and social, and from the preamble to the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights in its jurisprudence." (Decision no. 685 of 25 November 2014, published in the Official Gazette no. 68 of 27 January 2015. Furthermore, our constitutional court considered that the principle of security of civil legal relations constitutes a fundamental dimension of the rule of law. See Decision no. 570 of 29 May 2012, published in the Official Gazette no. 404 of 18 June 2012; Decision no. 615 of 12 June 2012, published in the Official Gazette no. 454 of 6 July 2012).

The Constitutional Court consistently rules in favor of the clarity and predictability of the law, which are requirements of the rule of law. Thus, “the existence of contradictory legislative solutions and the annulment of legal provisions by means of other provisions contained in the same normative act lead to the violation of the principle of legal relations security, as a result of the lack of clarity and predictability of

the norm, principles that constitute a fundamental dimension of the rule of law, as it is expressly enshrined in the provisions of art. 1 para. (3) of the Fundamental Law (Decision no. 26 of 18 January 2012, published in the Official Journal no. 116 of 15 February 2012).

Regarding the rule of law, the Constitutional Court has shown that justice and social democracy are supreme values. In this context, the militarized authorities, in this case the Romanian Gendarmerie, exercise, under the terms of the law, specific attributions regarding the defense of public order and peace, the fundamental rights and freedoms of citizens, public and private property, the prevention and detection of crimes and other violations of the laws in force, as well as the protection of the fundamental institutions of the state and the fight against acts of terrorism. Consequently, the constitutional court ruled: "The possibility of militarized authorities to ascertain the contraventions committed by civilians does not affect in any way art. 1 para. (3) of the Constitution, regarding the Romanian state, as a state of law, democratic and social" (Decision no. 1330 of 4 December 2008, published in the Official Gazette no. 873 of 23 December 2008).

Human dignity, together with the freedoms and rights of citizens, the free development of the human personality, justice and political pluralism, represent supreme values of the rule of law (art. 1 para. (3)). In light of these constitutional regulations, it has been stated in the jurisprudence of the Constitutional Court that the state is prohibited from adopting legislative solutions that may be interpreted as lacking respect for the religious or philosophical beliefs of parents, which is why the organization of school activity must achieve a fair balance between the process of education and teaching religion, and on the other hand with respect for the rights of parents to ensure education in accordance with their own religious beliefs. Activities and behaviors specific to a certain attitude of faith or philosophical beliefs, religious or non-religious, must not be subject to sanctions that the state provides for such behavior, regardless of the faith motivations of the person in question. "As part of the constitutional system of values, freedom of religious conscience is attributed the imperative of tolerance, especially with human dignity,

guaranteed by art. 1 paragraph (3) of the Fundamental Law, which dominates as the supreme value the entire system of values" (Decision no. 669 of November 12, 2014, published in the Official Gazette no. 59 of January 23, 2015).

It is also interesting to emphasize the fact that our constitutional court considers human dignity to be the supreme value of the entire system of constitutionally consecrated values, the value that is found in the content of all fundamental human rights and freedoms. At the same time, it is an important aspect that requires the state authorities to primarily consider respect for human dignity in all their activities.

We note that in its jurisprudence, the Constitutional Court also identifies the content components of human dignity, as a moral, but at the same time constitutional value, specific to the rule of law: "Human dignity, from a constitutional perspective, involves two inherent dimensions, namely the relationships between people, which concerns the right and obligation of people to be respected and, correlatively, to respect the fundamental rights and freedoms of their fellow men, as well as the relationship of man with the environment, including the animal world" (Decision no. 1 of 11 January 2012, published in the Official Gazette no. 53 of 23 January 2012. See also Decision no. 80 of 16 February 2014, published in the Official Gazette no. 246 of 7 February 2014).

The Constitutional Court emphasizes the indissoluble link that exists between freedom of conscience and freedom of expression, the latter making it possible to express thoughts, opinions, religious beliefs or spiritual creations of any kind by any means. In this context, the connection between the two fundamental rights is in the freedom of association. Moreover, the constitutional doctrine on the matter also groups these fundamental freedoms in the category of socio-political freedoms (Decision No. 485 of May 6, 2008, published in the Official Gazette No. 431 of 09.07.2008).

The exercise of nationalist-chauvinist propaganda represents an abusive manifestation of freedom of conscience and freedom of expression. Tolerating such acts clearly contravenes the constitutional

provisions that guarantee the two fundamental rights, but also the international legal instruments on the matter. In this context, the Court recalls that freedom, as an essential dimension of human existence, is at the same time a fundamental principle of the rule of law and represents the ontological basis of all moral and legal principles. Freedom involves the development of legal norms that guarantee all persons to manifest themselves according to their own options in their relations with other members of the community. The existence of these legal norms creates the legal order specific to the rule of law, in which freedom, but also constitutional freedoms, manifest themselves. The existence of this normative legal order represents the main guarantee of avoiding the abusive exercise of any fundamental right, including freedom of conscience (Decision no. 67 of February 3, 2005, published in the Official Gazette no. 146/18.02.2005).

The concept of "autonomy of religious denominations" is a consequence of the separation between the state and the church, each of these institutions having specific competences that do not interfere. In relation to international jurisprudence on the matter, the autonomous existence of religious communities is indispensable in a democratic society and constitutes an essential issue in the protection of religious freedom, as guaranteed by the provisions of art. 29 of the Romanian Constitution (Decision no. 448 of 7 April 2011, published in the Official Gazette no. 424/17.06.2011).

In electoral matters, the legislator takes into account the general interest of society and cannot legislate based on the religious choice of each citizen. Such a normative approach does not violate the provisions of art. 29 of the Constitution and cannot have the meaning of discrimination based on religious appearance, but "expresses the natural mechanism of a democratic and social state governed by law, in which the rights and freedoms of citizens are protected, so as to achieve a reasonable balance between the general interest of society, on the one hand, and individual rights and freedoms, on the other hand." (Decision no. 845 of June 3, 2009, published in the Official Gazette no. 524/30.07.2009)

It is noted that the constitutional court also uses a proportionality reasoning in this case to emphasize the idea of a reasonable balance that must be maintained in the exercise of fundamental rights and freedoms enshrined in the constitution. Freedom of conscience also implies the freedom to belong to or not to any religion, an aspect enshrined in the provisions of art. 29 para. (1), (2) and (6) of the Constitution. Regarding the exercise of this right, the Constitutional Court ruled that the legislator has an obligation of neutrality and impartiality. This obligation is fulfilled in the situation where the state ensures the respect of these freedoms, enshrining, among other things, the possibility of parents, legal representatives of minor students and, respectively, the possibility of adult students to request participation in religion classes. (Decision no. 669 of November 12, 2014, published in the Official Gazette no. 59 of January 23, 2015)

The obligation of neutrality and impartiality of the state does not equate to the non-involvement of state authorities or their passivity, in relation to the exercise of freedom of conscience, including in the form of freedom of religion. There is a positive obligation of the state to create an efficient legislative framework, in relation to which this freedom can be exercised in all its aspects.

This decision is important because our constitutional court clearly shows the obligation of the rulers, that is, the President, the Parliament, the Government, not to intervene in the exercise of freedom of conscience, especially in the form of freedom of communion of Orthodox believers, in the freedom of organization and functioning of the majority Orthodox Church but also of other religions through restrictive measures. At the same time, the Constitutional Court, interpreting the constitutional provisions enshrined in art. 29 of the Constitution also highlights the positive obligation of the rulers to guarantee freedom of religion and to support, including materially, the recognized cults and in particular the Orthodox Christian Cult and the Orthodox Church, the majority in Romania.

Unfortunately, the current rulers do not follow the decisions of the Constitutional Court. Recently, normative acts have been adopted that

include drastic restrictive measures and severe sanctions applicable, including to the exercise of freedom of belief by the Orthodox and the freedom to practice Orthodox worship. The actions and measures of the state to support, including materially, the Orthodox Church but also other cults are almost non-existent.

It has been emphasized in constitutional jurisprudence that there is no state of incompatibility between the quality of citizen, by virtue of which a person has the right to vote, and that of practitioner of a religious course recognized by the Romanian state. No legal provision, in accordance with the norms of the Constitution, can regulate a prohibition regarding the exercise of the right to vote, on grounds of a person's membership of a religious cult. The fact that, through the method of organizing and conducting the Referendum for the dismissal of the President of Romania, regulated by law, with general applicability to all citizens of the country, the followers of a religious minority in Romania were unable to effectively exercise their right to vote, choosing instead to fulfill their religious obligations and practices specific to their cult during the same oral interval designated for the ballot, is not a reason for unconstitutionality nor does it constitute a restriction, as the case may be, of the exercise of the right to free will or religious freedom. (Decision no. 845 of June 3, 2009, published in the Official Gazette no. 524 of July 30, 2009)

## III. Aspects of case law regarding the relationship between European Union law and constitutional norms

The constitutional courts of some Member States, notably Germany, Italy and France, have consistently held that the principle of the priority of European Union law does not apply to the regulations contained in a constitution, since the fundamental law of a state expresses national identity and sovereignty. This solution has particularly concerned regulations on fundamental human rights and freedoms. Until 1 December 2009, when the Treaty of Lisbon and the Charter of Fundamental Rights of the European Union entered into force, European

Union law did not include a coherent normative system guaranteeing fundamental human rights. Consequently, the courts of the Member States have invoked domestic constitutional regulations in such situations.

Moreover, the practice of the courts of the Member States of the European Union does not provide many examples of conflict between the norms of European Union law on the one hand, and constitutional regulations on the other. This situation is explained by the fact that following the process of accession to the European Union, the Member States have adapted their constitutional regulations of a principled nature to the specific requirements of European Union law and have enshrined in one form or another the principle of the priority of this legal system over domestic law whenever there is a contradiction between the rules of the two categories of legal norms. Of course, this issue remains open and is far from being resolved. We note that, in the jurisprudence of recent years of the Constitutional Council and the Council of State of France, the concept of "constitutional national identity" has been developed. According to this principle, national courts will always apply domestic constitutional norms, but also the rules included in ordinary legislation whenever these do not have a counterpart in European Union law.

The Romanian Constitution distinguishes between the principle of the supremacy of the fundamental law, and on the other hand, the principle of the priority of European Union law over national law. Thus, the provisions of art. 1 paragraph (5) of the Constitution enshrine the principle of the supremacy of the fundamental law: "In Romania, compliance with the Constitution, its supremacy and the laws is mandatory". This principle cannot be confused with that of the priority of European Union law over contrary regulations in domestic laws, enshrined in art. 148 paragraph (2) of the Constitution.

The jurisprudence of the Constitutional Court of Romania reflects this difference.

By Decision of the Constitutional Court no. 148 of 16 April 2003 on the constitutionality of the legislative proposal to revise the Romanian Constitution, our constitutional court clearly distinguishes between the

supremacy of the Constitution and the principle of priority of European Union law, stating: "The consequence of accession is that the Member States of the European Union have understood to place the acquis communautaire, the constitutive treaties of the European Union and the regulations derived from them in an intermediate position between the Constitution and other laws when it comes to binding European normative acts". In the specialized legal literature, with reference to the provisions of art. 148 of the Constitution and in accordance with decision no. 148 of 16 April 2003, it was stated: "Therefore, it can be stated that in the internal legal order the legal act by which Romania accedes to the European Union has a legal force inferior to the Constitution and constitutional laws, but superior to organic and ordinary laws". (Constantinescu et al. 2004, p. 331)

In its subsequent jurisprudence, the Constitutional Court seems to have abandoned this distinction, basing its decisions solely on the principle of the priority of European Union law. (Decision no. 1042/2007 published in the Official Gazette no. 12 of 8 February 2008, Decision no. 1172/2007 published in the Official Gazette no. 54 of 23 January 2008)

However, by Decision no. 1258 of 8 October 2009 (published in the Official Gazette no. 798 of 23 November 2009), which we consider to be of historical importance in subsequent constitutional jurisprudence, the Court finds that a domestic law transposing a European Union directive into domestic law is unconstitutional. Such a solution, in our opinion, enshrines the principle of the supremacy of the Constitution and the obligation to respect it in relation to the principle of the priority of European Union law.

By the decision with the above number, the Constitutional Court found that the provisions of Law no. 298/2008 are unconstitutional. From the considerations of the decision it follows that Law no. 298/2008 was adopted in order to transpose into national legislation Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks. The Court refers to the legal regime

of such Community acts, emphasizing that: "(...) it imposes its obligation on the Member States of the European Union with regard to the regulated legal solution, not with regard to the concrete ways in which this result is reached, the States benefiting from a wide margin of appreciation for the purpose of adopting them to the specifics of national legislation and realities". Examining the content of Law no. 298/2008, the Court found that this normative act is likely to affect the exercise of fundamental rights or freedoms, namely the right to intimate, private and family life, the right to the secrecy of correspondence and freedom of expression. The constitutional court notes that the restriction of the exercise of these rights does not comply with the requirements established by art. 53 of the Constitution of Romania.[1]

For our research topic, Decision no. 80 of 16 February 2014 (published in the Official Gazette no. 246 of April 7, 2014), on the legislative proposal regarding the revision of the Romanian Constitution, is relevant. Regarding the interpretation of the provisions of art. 148 regarding integration into the European Union, the Court notes that: "constitutional provisions do not have a declarative character, but constitute mandatory constitutional norms, without which the existence of the rule of law, provided for in art. 1 paragraph (3) of the Constitution, cannot be conceived. At the same time, the Fundamental Law represents the framework and extent to which the legislator and other authorities can act; thus, the interpretations that can be made to the legal norm must also take into account this constitutional requirement, contained in art. 1 paragraph (4) of the Fundamental Law, according to which in Romania compliance with the Constitution and its supremacy is mandatory".

In the opinion of our constitutional court, considering that European Union law applies without any differentiation within the national legal order, not distinguishing between the Constitution and other domestic laws, is equivalent to placing the Fundamental Law on a secondary level

[1] In the same sense, see also Constitutional Court Decision no. 17 of January 21, 2015 (Official Gazette no. 79 of January 30, 2015), by which our constitutional court established the unconstitutionality of the law on cybersecurity of Romania.

compared to the legal order of the European Union. The legitimacy of the Constitution is the will of the people itself, which means that it cannot lose its binding force, even in the event of inconsistencies between its provisions and those of the European Union. Moreover, it was emphasized that Romania's accession to the European Union cannot affect the supremacy of the Constitution over the entire domestic legal order.

By Decision no. 157/2014 (Official Journal no. 296 of 23 April 2014), the Court established that it is necessary for the legal norm of European Union law to be limited to a certain level of constitutional relevance, so that its normative content supports the possible violation by the national law of the Constitution – "the only direct norm of reference within the framework of the constitutionality review". The constitutional court has enshrined, like the French Constitutional Council, the concept of "national constitutional identity", by which it understands the relevance of the supremacy of the constitution whenever the issue of compliance of domestic laws with European Union acts arises (Decision No. 64/2015 (Official Gazette No. 286 of 28 April 2015)).

Another aspect analyzed in constitutional jurisprudence refers to the application of the Charter of Fundamental Rights of the European Union in the context of constitutional review. Our constitutional court ruled that, in principle, it is applicable in the context of constitutional review "to the extent that it ensures, guarantees and develops the constitutional provisions in the field of fundamental rights, in other words, to the extent that their level of protection is at least at the level of constitutional norms in the field of human rights." [Decision No. 871/2010 (Official Gazette No. 433 of 28 June 2010)]

Regarding the cooperation between the Constitutional Court and the Court of Justice of the European Union, our constitutional court stated that it remains at its discretion, in the application of the decisions of the Court of Justice of the European Union within the framework of the constitutional review, or the formulation by the Court of preliminary questions in order to establish the content of the European norm. "Such an attitude is related to the cooperation between the national and

European constitutional courts, as well as to the judicial dialogue between them, without bringing into question aspects related to the establishment of a hierarchy between these courts" [CCD no. 668/2011 (Official Journal no. 487 of 8 July 2011)].

The Court of Justice of the European Union, in its recent case law, has a different opinion and has ruled on the supremacy of the legal order of European Union Law, over the domestic legal order and even over the constitutional order.

Thus, by the Judgment delivered on 18 May 2021 (Judgment in the joined cases C-83/19, Association of Judges of Romania v. Judicial Inspection, C-127/19, Association of Judges of Romania and Association of the Movement for the Defense of the Statute of Prosecutors v. Superior Council of Magistracy and C-195/19, PJ/QK and in cases C-291/19, SO/TP and others, C355/19, Association of Judges of Romania and Association of the Movement for the Defense of the Statute of Prosecutors and OL v. Prosecutor's Office attached to the High Court of Cassation and Justice - Prosecutor General of Romania and C-397/19, AX v. Romanian State - Ministry of Public Finance), the Court of Justice of the European Union rules on a series of reforms in Romania relating to to the judicial organization, to the disciplinary regime of magistrates, as well as to the patrimonial liability of the state and the personal liability of judges for judicial errors.

Six requests for preliminary rulings were made before the Romanian Court of Justice in disputes between legal entities or individuals, on the one hand, and authorities or bodies such as the Judicial Inspection, the Superior Council of Magistracy and the Prosecutor's Office attached to the High Court of Cassation and Justice, on the other hand. The main proceedings are set out in the context of a far-reaching reform of the judiciary and the fight against corruption in Romania, a reform which has been the subject of monitoring at European Union level since 2007, under the cooperation and verification mechanism established by Decision 2006/928 (Commission Decision 2006/928/EC of 13 December 2006 establishing a cooperation and verification mechanism to monitor progress made by Romania towards

achieving certain specific benchmarks in the field of judicial reform and the fight against corruption (OJ 2006 L 354, p. 56, Special Edition, 11/vol. 51, p. 55) on the occasion of Romania's accession to the European Union ('the CVM'). In that context, the referring courts raised the issue of the nature and legal effects of the CVM and the scope of the reports drawn up by the Commission under it. According to those courts, the content, legal nature and temporal scope of the said mechanism should be considered as being confined to the Accession Treaty and the requirements formulated in those reports should be binding on Romania. In that regard, however, those courts refer to national case-law according to which Union law does not prevail over the Romanian constitutional order and Decision 2006/928 cannot constitute a reference norm in the context of a review of constitutionality since that decision was adopted before Romania's accession to the Union and the question whether the content, nature and scope of Decision 2006/928/EC fall within the scope of the Accession Treaty has not been the subject of any interpretation by the Court.

As regards the legal effects of Decision 2006/928, the Court found that it is binding in its entirety on Romania from the date of its accession to the Union and obliges it to achieve the benchmarks, which are also binding, set out in the Annex to This. Those objectives, defined as a result of the deficiencies identified by the Commission before Romania's accession to the Union, aim, inter alia, to ensure that this Member State respects the value of the rule of law. Romania is therefore obliged to take appropriate measures to achieve those objectives and to refrain from implementing any measure which could jeopardise the achievement of those objectives.

The Court held that the principle of the primacy of EU law precludes national legislation of constitutional status which deprives a lower court of the right to disapply of its own motion a national provision falling within the scope of Decision 2006/928 and which is contrary to EU law. The Court recalls that, according to settled case-law, the effects associated with the principle of the primacy of EU law are binding on all the bodies of a Member State, without the internal provisions relating to

the distribution of judicial powers, including those of a constitutional nature, being able to prevent that from happening. Recalling also that national courts are required, as far as possible, to interpret domestic law in a manner consistent with the requirements of EU law or to disapply of their own motion any contrary provision of national law which cannot be the subject of such a consistent interpretation, the Court finds that, in the event of a proven breach of the EU Treaty or of Decision 2006/928, the principle of the primacy of EU law requires the referring court to disapply the provisions in question, regardless of whether they are of legislative or constitutional origin.

By the Judgment of 21 December 2022, (Judgment in the joined cases C-357/19 Euro Box Promotion and others, C379/19 DNA-Territorial Service Oradea, C-547/19 Asociaţia « Forumul Judecătorilor din România », C-811/19 FQ and others and C-840/19 N), the Court of Justice of the European Union ruled that Union law precludes the application of a case-law of the Constitutional Court to the extent that it, in conjunction with national provisions on limitation periods, creates a systemic risk of impunity.

The supremacy of Union law requires that national judges have the power to set aside a decision of a constitutional court that is contrary to this law, without being exposed to the risk of being held disciplinary liable.

The reasoning of the Judgment essentially states the following:

In these cases, the question arises whether the application of the case-law resulting from various decisions of the Constitutional Court of Romania (Romania), concerning the rules of criminal procedure applicable in matters of fraud and corruption, is liable to infringe Union law, in particular the provisions of that law which aim to protect the financial interests of the Union, the guarantee of the independence of judges and the value of the rule of law, as well as the principle of the primacy of Union law.

The Court, sitting in the Grand Chamber, confirmed its case-law resulting from a previous judgment, according to which the CVM is binding in its entirety for Romania. (See, Judgment of 18 May 2021,

Asociația „Forumul Judecătorilor din România” and Others, C-83/19, C-127/19, C-195/19, C-291/19, C-355/19 and C-397/19 (see also CP no. 82/21)

Thus, acts adopted before accession by the institutions of the Union are binding on Romania from the date of its accession. This is the case of Decision 2006/928, which is binding in its entirety on Romania as long as it has not been repealed. The benchmarks aimed at ensuring respect for the rule of law are also binding. Romania is therefore required to take appropriate measures to achieve those objectives, taking into account the recommendations made in the reports drawn up by the Commission. (Pursuant to the principle of loyal cooperation, enshrined in Article 4(3) TEU)

Union law precludes the application of a case-law of the Constitutional Court which leads to the annulment of judgments delivered by panels of judges which were unlawfully composed, in so far as this, in conjunction with national provisions on limitation periods, creates a systemic risk of impunity for acts constituting serious offences of fraud affecting the financial interests of the Union or of corruption.

It was also noted that in the present case, the application of the case-law of the Constitutional Court in question has the consequence that the fraud and corruption cases in question must be re-examined, if necessary, several times, at first instance and/or on appeal. Given their complexity and duration, such a re-examination inevitably has the effect of prolonging the duration of the related criminal proceedings.

The Court recalls that, having regard to the specific obligations incumbent on Romania under Decision 2006/928, national legislation and practice in this area cannot have the effect of prolonging the duration of investigations into corruption offences or otherwise weakening the fight against corruption. On the other hand, having regard to national rules on limitation periods, retrying the cases in question could lead to the offences becoming time-barred and could prevent the effective and dissuasive punishment of persons occupying the most important positions in the Romanian State who have been convicted of serious fraud and/or serious corruption in the exercise of their functions. The risk of impunity

would therefore become systemic for that category of persons and would call into question the objective of combating high-level corruption.

The reasoning invokes the supremacy of European Union law and notes that the principle of supremacy of Union law prevents national courts from being able, at the risk of disciplinary sanctions, to disregard decisions of the Constitutional Court that are contrary to Union law.

The Court recalls that, in its case-law on the EEC Treaty, it has established the principle of the supremacy of Community law, understood as consecrating the prevalence of this law over the law of the Member States. In this regard, the Court has found that the establishment by the EEC Treaty of a legal order of its own, accepted by the Member States on a reciprocal basis, has as a corollary the impossibility for the said States to make a subsequent unilateral measure prevail against this legal order or to oppose the law arising from the EEC Treaty to national law, regardless of its nature, otherwise there is a risk that this law will lose its Community character and that the legal basis of the Community itself will be called into question.

Furthermore, the executive force of Community law cannot vary from one Member State to another depending on subsequent national laws, otherwise there is a risk that the achievement of the objectives of the EEC Treaty will be jeopardised, nor can it give rise to discrimination on grounds of nationality, prohibited by that Treaty. The Court thus considered that, although it was concluded in the form of an international agreement, the EEC Treaty constitutes the constitutional charter of a community based on the rule of law, and the essential characteristics of the Community legal order thus constituted are in particular its supremacy over the law of the Member States and the direct effect of a whole series of provisions applicable to the Member States and their nationals. According to the Court, the effects associated with the principle of the supremacy of Union law are imposed on all the organs of a Member State, without internal provisions, including constitutional provisions, being able to prevent this. National courts are required to disapply of their own motion any national rule or practice contrary to a provision of Union law which has direct effect, without having to request

or await the prior repeal of that national rule or practice by legislative or other constitutional means.

Furthermore, the fact that national judges are not subject to disciplinary proceedings or penalties for having exercised the option of bringing a case before the Court under Article 267 TFEU, which falls within their exclusive jurisdiction, constitutes an inherent guarantee of their independence. Thus, in the event that a national ordinary court were to consider, in the light of a judgment of the Court, that the case-law of the national constitutional court is contrary to Union law, the fact that that national judge were to disapply that case-law cannot render him liable to disciplinary action.

The Constitutional Court of Romania, in a press release dated December 23, 2021, stated the following, with reference to these Judgments of the Court of Justice of the European Union: ”According to art.147 paragraph (4) of the Constitution, the decisions of the Constitutional Court are and remain generally binding.

Moreover, the CJEU also recognizes, in its Judgment of December 21, 2021, the binding nature of the decisions of the Constitutional Court. However, the conclusions of the CJEU Judgment according to which the effects of the principle of the supremacy of EU law are imposed on all bodies of a Member State, without domestic provisions, including those of a constitutional nature, being able to prevent this, and according to which national courts are required to leave unapplied, ex officio, any national regulation or practice contrary to a provision of EU law, presuppose the revision of the Constitution in force.

In practical terms, the effects of this Decision can only occur after the revision of the Constitution in force, which, however, cannot be done by law, but exclusively at the initiative of certain legal subjects, in compliance with the procedure and under the conditions provided for in the Constitution of Romania itself."

We fully support the opinion expressed by the Constitutional Court. In relation to constitutional provisions, the supremacy of the Constitution and the principle of the priority of European Union law have different legal natures. The supremacy of the Constitution is a quality of it

determined by the social, economic and political realities of the Romanian people and their traditions. It expresses and substantiates at the same time the characters and attributes of the Romanian State, national sovereignty. The supremacy of the Constitution and the obligation to respect it is not exclusively the concretization of the will of the constituent legislator, but is determined objectively, historically.

In contrast, the principle of the priority of European Union law is derived from the supremacy of the Fundamental Law because it is established by the will of the constituent legislator and by the international treaties to which Romania is a party.

Contrary to this reality, the case law of the Court of Justice of the European Union establishes the principle of the supremacy of European Union law, and not only its priority, including with respect to the internal constitutional order.

These solutions of the case cannot be accepted because they seriously affect the national sovereignty, the legislative independence of the Romanian State. Therefore, in no case can the law of the European Union in relation to the internal constitutional order be supreme, and the generally binding legal force of the decisions of the Constitutional Court, including with respect to the legislation and jurisprudence that make up the law of the European Union, cease.

The provisions of art. 147 paragraph (4) of the Fundamental Law enshrine the generally binding nature of the decisions of the Constitutional Court, an aspect that results from the very supremacy of the Fundamental Law.

In accordance with the provisions of art. 142 paragraph (1), "The Constitutional Court is the guarantor of the supremacy of the Constitution". Accepting the possibility of non-compliance by the state authorities of the decisions of the Constitutional Court in relation to the alleged and assumed supremacy of the law of the European Union is equivalent to an act of violation of the Fundamental Law and the internal constitutional order, with a serious violation of the supremacy of the Constitution.

Therefore, the Constitutional Court correctly showed that these decisions of the Court of Justice of the European Union can produce legal effects in Romania only as a result of the amendment of the Fundamental Law through an internal constitutional procedure, but not through decisions of an international court.

## Conclusions

The principles of the supremacy of the Constitution and of national sovereignty, normatively enshrined in the Fundamental Law are original, they are not the result of the will of the constituent legislator, they are based on the existential reality of the Romanian people and its state organization. Therefore, they are not normatively constructed principles and are naturally recognized and enshrined by the Constitution, which is the social, political and legal foundation of the Romanian people and the Romanian state. In contrast, the principle of the priority of European Union law is derived and constructed by the will of the rulers, of the constituent legislator, a consequence of the international treaties to which Romania is a party. In order to have legitimacy, this principle and its consequences must be in accordance with the principles of the supremacy of the Constitution and of national sovereignty. We consider it necessary, in order to guarantee the supremacy of the Constitution, in a future normative regulation, the powers of the Constitutional Court to be increased:

In this sense, we propose that the powers of the Constitutional Court include the power to rule on the constitutionality of administrative acts exempted from the control of legality by administrative courts, including normative acts adopted during an exceptional situation. This category of administrative acts, referred to in Article 126, paragraph 6 of the Constitution and the provisions of Law No. 554/2004 on administrative litigation, are particularly important for the entire social and state system, but especially for the exercise of fundamental human rights and freedoms. A constitutional review of these normative acts is

necessary, especially in exceptional situations such as the present one, because in its absence, the discretionary power of the issuing administrative authority is unlimited, with the consequence of the possibility of excessive restriction of the exercise of fundamental rights and freedoms or the violation of important constitutional values.

The excess of power of all state authorities is manifested, paradoxically within the limits of the law, whenever the normative acts recognize a margin of appreciation on the part of the decision-making body (Parliament, administrative authorities or courts) on the moment of the decision or regarding the measures ordered. State practice in Romania has shown that in many situations the content of the decision which can be materialized in: law, Government ordinance, acts of administrative authorities at all levels, judicial acts of prosecutors' offices or court decisions, exceed, through provisions of a particularly restrictive nature, what is necessary to achieve the purpose of the law or inadequate to the factual situation. Such manifestations of power can bring serious prejudice to fundamental human rights or the public interest, in a word, to the features of the rule of law. The criterion that allows the censure by the courts of these forms of abuse of power is, in our opinion, the principle of proportionality.

Proportionality is a fundamental principle of law explicitly enshrined in constitutional, legislative and international legal instruments. It is based on the rational law values of justice and equity and expresses the existence of a balanced or adequate relationship between actions, situations, phenomena, being a criterion for limiting the measures ordered by state authorities to what is necessary to achieve a legitimate aim, thus guaranteeing fundamental rights and avoiding excess power of state authorities. Proportionality is a basic principle of European Union law, being expressly enshrined in the provisions of art. 5 of the Treaty on European Union.

We consider that the express regulation of this principle only in the content of the provisions of art. 53 of the Constitution, with application in the field of restricting the exercise of certain rights, is

insufficient to highlight the full significance and importance of the principle for the rule of law.

It is useful to add a new paragraph to art. 1 of the Constitution to provide that "The exercise of state power must be proportional and non-discriminatory". This new constitutional regulation would constitute a genuine constitutional obligation for all state authorities to exercise their powers in such a way that the measures adopted fall within the limits of the discretionary power recognized by law. At the same time, it creates the possibility for the Constitutional Court to sanction, through the constitutionality control of laws and ordinances, the excess of power in the activity of the Parliament and the Government, using the principle of proportionality as a criterion.

Of course, the existence of a viable, qualitatively performing, well-structured and harmonized state institutional system, including in terms of the moral and professional quality of dignitaries, civil servants and magistrates, is obviously an ontological factor of substance to eliminate or at least diminish the excess of power of state authorities in all its forms, we would especially emphasize in situations where the measures ordered through manifestations of political and legal will take the form of legality but are in obvious contradiction with the requirements of the principle of legitimacy.

## References


Deleanu, I. (2006). *Instituţii şi proceduri constituţionale* [Constitutional institutions and procedures]. C.H. Beck.

Iorgovan, A., Muraru, I., & Tănăsescu, E.S. (2004). *Constituţia României revizuită – comentarii şi explicaţii* [The revised Constitution of Romania – comments and explanations]. All Beck.

Muraru, I. et al. (2002). *Interpretarea constituţiei* [Interpretation of the constitution]. Lumina Lex.

Judgment delivered on 18 May 2021 by the Court of Justice of the European Union in joined cases C-83/19, Association of Judges of Romania v. Judicial Inspection, C-127/19, Association of Judges of

Romania and Association of the Movement for the Defence of the Statute of Prosecutors v. Superior Council of Magistracy and C-195/19, PJ v. QK and in cases C-291/19, SO v. TP and others, C355/19, Association of Judges of Romania and Association of the Movement for the Defence of the Statute of Prosecutors and OL v. Prosecutor's Office attached to the High Court of Cassation and Justice - Prosecutor General of Romania and C-397/19, AX v. Romanian State - Ministry of Public Finance

Judgment of 21 December 2022 of the Court of Justice of the European Union in joined cases C-357/19 Euro Box Promotion and others, C379/19 DNA- Territorial Service Oradea, C-547/19 Association «Forumul Judecatorilor din România», C-811/19 FQ and others and C-840/19 N

Constitutional Court of Romania case law:

Decision no. 435 of September 13, 2005, published in the Official Gazette no. 924 of October 17, 2005

Decision no. 223 of March 13, 2012, published in the Official Gazette no. 256 of April 18, 2012;

Decision no. 448 of October 29, 2013, published in the Official Gazette no. 5 of January 7, 2014

Decision no. 53 of January 25, 2011, published in the Official Gazette no. 90 of February 3, 2011

Decision no.727 of 9 July 2012, published in the Official Gazette no.477 of 12 July 2012

Decision no.251 of 30 April 2014, published in the Official Gazette no.376 of 21 May 2014

Decision no. 415 of April 7, 2011, published in the Official Gazette no. 471 of July 5, 2011

Decision no. 232 of July 5, 2001, published in the Official Gazette no. 727 of November 15, 2001

Decision no. 53 of January 25, 2011, published in the Official Gazette no. 90 of February 3, 2011

Decision no. 1 of January 11, 2012, published in the Official Gazette no. 53 of January 23, 2012

Decision no. 669 of November 12, 2014, published in the Official Gazette no. 59 of January 23, 2015

Decision No. 17 of January 21, 2015, published in Official Gazette No. 79 of January 30, 2015

Decision no. 157/2014 published in the Official Gazette no. 296 of 23 April 2014

Decision no. 64/2015 published in the Official Gazette no. 286 of 28 April 2015