



Parliament of Romania
SENATE **HOUSE OF DEPUTIES**

COMMITTEE FOR EUROPEAN INTEGRATION

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Questionnaire for the Parliaments of the applicant states

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1. *Information of the European integration committee.*

How does your Committee get the necessary information ? From the Government ? From the European Commission ? From the European Parliament ? From other sources ? Does your Committee consider the information in its possession sufficient ?

The Government and governmental institutions, including the chief-negotiator for Romania's accession to the European Union, are supplying the European Integration Committee with the necessary information on a regular basis, as well as upon its request. Also, the European Parliament and the European Commission are sometimes providing various information documents. All information from the ONGs is obtained upon request. Generally, the information possessed by the Committee is sufficient.

2. *Integration of European legislation.*

Do the standard legislative proceedings apply to the integration of European legislation into national law or do you apply special proceedings ? Does your Committee play a specific role in the legislative integration process ?

European legislation is being adopted following the procedure governing all legislation (see Appendix).

Within the said procedure, the European Integration Committee formulates advisory opinions on certain legislative initiatives touching upon European integration, with a view to the soonest possible harmonization of Romanian

legislation with the European one. Our committee can be notified according to its competence, or it can take the initiative in formulating advisory opinions in keeping with its rules of procedure.

3. *Accession negotiations.*

How does your European integration committee follow the accession negotiations ? Does the Committee give its opinion ?

The European Integration Committee discusses the position papers and substantiation files for the chapters to be negotiated and formulates its advisory opinion to them. Debates are carried out subsequent to those documents' approval by the Government and prior to their forwarding to the European Commission.

4. *Conformity of national law to European legislation.*

Is there a procedure aiming at scrutinising the compliance of bills submitted to Parliament to European legislation ? Does your Parliament play a role in this procedure ? Is your committee associated to this procedure ?

All legislative proposals tabled to the Parliament must specify in the motivation note that it had been harmonized with European legislation.

Each Ministry has an European Integration department whose responsibility is also to check the compliance of the bills initiated by the respective Ministry with European Law.

The Legislative Council – a body subordinated to the Parliament – checks the bills tabled to the Parliament for compliance with European Law and formulates advisory opinions to that effect. Moreover, upon the request of the Standing Committees, Legislative Council may examine the texts adopted by either Chambers or amendments proposed in the respective Committees for compliance with European Law.

The European Integration Committee may address, in keeping with its competence, either the Standing Bureau, or the Standing Committees, in pursuance of its own examination or upon the request of the bill's initiator, and may require changes to, or rejection of the amendments forwarded within the parliamentary procedures on law adoption.

5. *Other committees for European legislation.*

Did you take your inspiration from the experience of other applicant states when your Committee was created ? Are you in touch with European integration committees from other applicant states ?

Prior to having set up the Committee, the expertise of other candidate countries had been examined. Our Committee has co-operation relationship with other Committees of the said states; for instance, meetings have been held with the European Integration Committees of Hungary, Cyprus and Bulgaria.

6. *Community aid.*

As part of the accession process, had your Parliament received any technical assistance from the Community or from some member states ? What kind of assistance ? Was this assistance sufficient ?

Romanian Parliament has been supported in the accession process both by European institutions, such as the European Parliament and European Commission (via the TAIEX Office), and by some member-states, such as France, Great Britain, Denmark. The assistance consisted, mainly, in organizing round tables, work-shops, training courses for MPs and for parliamentary civil servants. The assistance offered proved particularly very useful, however, there is room for improvement.

APPENDIX

LEGISLATIVE PROCEDURE IN THE ROMANIAN PARLIAMENT

The procedure for the adoption of laws is the same in both Chambers of Parliament, and it is regulated by the Constitution and the parliamentary standing orders. The main stages of the legislative procedure include the legislative initiative, examination in parliamentary committees, debate in the plenum of the Chamber, voting, mediation, control of the constitutionality, and promulgation of the law.

Debates in Parliamentary Committees

Draft bills or legislative proposals are submitted for debate to the Chamber of Deputies or to the Senate together with the advisory opinion of the Legislative Council. After they have been received and registered, the Standing Bureau - the leading bodies of the two Chambers of the Parliament - will distribute them to the parliamentarians and send them to the standing committees for examination in the substance and formulation of an advisory opinion.

After they have received the draft bills or legislative proposals, the parliamentarians may advance motivated amendments in writing, which are transmitted to the Standing Bureau at least 6 days before the debate of the draft bill or legislative proposal in the plenum of the Chamber. The amendments are submitted to the examination of the competent committees, whose conclusions are added to the previously drawn up report.

At the request of the chairman of the parliamentary committee informed of the matter, the Legislative Council analyses and issues an advisory opinion on the amendments submitted to the debate of the committee and the draft bills or legislative proposals received by the committee after their adoption by one of the Chambers of Parliament.

The standing committee informed of the matter draws up a report including proposals with regard to the amendments presented, to the adoption or rejection of the draft bill or legislative proposal as well as to the advisory opinions communicated by the committees informed to this purpose.

The report drawn up by the committee informed of the matter is distributed by the Standing Bureau to members of the respective Chamber and to the Government.

The draft bills and legislative proposals for which a report has been drawn up by the committee informed of the matter are entered on the agenda of the Chamber of Parliament. After approval of the agenda by the Chamber, the draft bills and legislative proposals are submitted to debate and adoption in the order in which they were entered on the agenda.

Debates in Plenum

The development of the legislative procedure in the plenum of the Chambers involves a general debate on the draft bill or of the legislative proposal, and a debate by articles. The general debate is preceded by a presentation by the initiator or his representative, of the motives which have led to the promotion of the legislative initiative.

At the general debating stage of the legislative initiative amendments can be neither proposed, nor adopted. If the report of the standing committee informed of the matter proposes the rejection of the legislative proposal, after closing the general debate, the president of the Chamber may put the matter to the vote.

After exhaustion of the general debate, the Chamber passes to the debate of the legislative initiative by articles, with the modifications proposed in the report of the standing committee informed of the matter.

The discussion of the articles begins with the amendments. During the debates, the parliamentarians or the Government may raise for discussion the amendments rejected by the committee informed of the matter or the amendments handed in to the committee, but not appearing in its report. By way of exception, new amendments may be handed over during the debates in plenum as well. Amendments must refer to the contents of a single article.

In case the amendment has important consequences on the draft bill or on the legislative proposal, it may be decided to send it for an advisory opinion to the competent committees. The initiator of the amendment has the right to be heard at the proceedings of the committee.

The Chamber decides by distinct vote on each amendment. At the request of the Government or on its own initiative, the Chamber may adopt draft bills or legislative proposals by an expeditious procedure established according to the standing orders of each Chamber.

Voting of the Draft Bill

At the closing of the debate by articles of each draft bill or of each legislative proposal the Chamber proceeds to their final voting. Draft bills or proposals for the revision of the Constitution are adopted by a majority of at least two thirds of the number of members of each Chamber. Draft of organic laws are passed by the vote of a majority of the members of each Chamber. Ordinary draft bills are passed by the vote of a majority of the members present in each Chamber.

If the draft bill or legislative proposal has been adopted, it is signed by the president of the Chamber and sent for debate to the other Chamber of Parliament. A draft bill or legislative proposal adopted by one Chamber and rejected by the other is sent to the Chamber which has rejected it with a view to a new debate. A new rejection is final.

Mediation

If one of the Chambers has adopted a draft bill or legislative proposal in a wording different from that passed by the other Chamber, the presidents of the two Chambers initiate the procedure of mediation through the agency of a parity committee. The Mediation Committee will try to eliminate the texts on which there is division of opinion by drawing up a formulation acceptable to the two Chambers. The proposals of the Mediation Committee are entered in a report, which is submitted for debate and adoption to the two Chambers in separate sittings.

In case the Chambers adopt the Mediation Committee's report, the law is sent for promulgation.

In case the Mediation Committee fails to reach an agreement with regard to the issues on which there is division of opinion, or if one of the Chambers does not approve the Mediation Committee's report, as a whole or in part, the texts on which there is division of opinion are submitted for debate in a joint sitting of the two Chambers, according to the standing orders of these sittings.

Control of the Constitutionality of the Laws

The laws adopted are submitted to a preliminary control as to their constitutionality at the intimation of the President of Romania, of one of the presidents of the two Chambers of the Government, of the Supreme Court of Justice or of a number of at least twenty-five senators, or at least fifty deputies. In order to exercise this right, the law is handed to the secretaries general of the two Chambers, it is communicated to the interested parties, and, after passage of a term of five days, it is sent to the President of Romania for promulgation.

Intimation of the Constitutional Court suspends the term for the promulgation of the law.

If the Constitutional Court has been informed and has declared the law unconstitutional as a whole or in part, the Constitution provides the release of the re-examination procedure. This procedure presupposes an examination of the objection of unconstitutionality first in the Juridical Committee, and then, on the basis of the report of this committee, in the plenum of the Chamber, where the law declared unconstitutional is submitted to a single vote only.

The objection of unconstitutionality of the Court is removed only in case that both the Chamber of Deputies and the Senate have adopted the law in the same form, with a majority of at least two thirds of the number of members of each Chamber. In case in one of the Chambers the two thirds majority is not obtained, the provisions declared unconstitutional by the Constitutional Court are removed from the law, and the necessary technical and legislative correlations are operated with the Chamber's approval; if the law as a whole is declared unconstitutional and the Chambers once more fail to adopt it by at least two thirds majority, it will no longer be sent to the President of Romania for promulgation.

Promulgation of the law

The laws adopted by the two Chambers of Parliament with identical texts are sent for promulgation to the President of Romania. The promulgation is made within 20 days at the most after its reception. Before promulgation, the President may ask Parliament, once only, to re-examine the law within not more than 20 days after the law was received for promulgation.

If, after re-examining the law, both Chambers adopt or reject the objections of the President of Romania, the President is obliged to proceed to the promulgation within 10 days after the reception of the law adopted after re-examination. The same promulgation term operates also in the case in which the President of Romania has received the decision of the Constitutional Court by which the law is declared constitutional.

Coming into Force of the Law

The law comes into force on the day of its publication in the Monitorul Oficial (Official Gazette of Romania), or at the date provided in its text, which date may not be previous to the publication.