

OPAL Country Reports

The Romanian Parliament and EU Affairs

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OPAL Country Report on the Romanian Parliament¹

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I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Semi-presidential
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Bicameral legislative. Both chambers are equal in their nature (they are both elected) and in their composition (they are both elected by proportional electoral system). Both chambers have the right of legislative initiative.
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary structure
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	Both chambers are elected following the same procedure: single candidate voting, according to the principle of proportional representation (art. 5, paragraph 1 Law n° nr. 35/2008 concerning the election of the Camera Deputatilor and the Senat). They both represent voters. The Senat doesn't represent the administrative structures of the state. The number of members of the Camera Deputatilor (334 for the 2008 elections) is higher than that of the Senat (137 for the 2008 elections). The representation norm, which is higher for a senator (a senator to 160,000 inhabitants) comparing to that of a member of the Camera deputatilor (a Member to 70,000 inhabitants) justifies this difference.
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	The Constitutional Court has a strong power in the Romanian political system. It is entitled to state on the constitutionality of laws before their promulgation, on the constitutionality of international treaties and other international agreements. Public referenda do not directly apply for European questions. However, they can be organised

¹ This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

for: a) Constitutional revision; b) dismissal of the Romanian President; c) matters of national interest. Unfortunately, there is no clear definition of what “matters of national interest” could mean. If, the President decides that a EU topic is a matter of national interest a public referenda could be organised.

2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament’s strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	<p>Since, Mai 2012 Romania has a coalition government (Social Liberal Union (USL) formed by the National Liberal Party (PNL)+ the Socialist Democrat Party (PSD)+ the Conservative Party (PC)) and a cohabitation system with a president coming from the opposition (Liberal Democrat Party (PDL)).</p> <p>The current government is in place since the successful motion of no confidence against the former cabinet. The former cabinet (February 9, 2012- April 27, 2012) was also a collation government formed by the Liberal Democrat Party (PDL)+ the National Union for the Progress of Romania (UNPL) + Democratic Union of Hungarians in Romania (UDMR).</p> <p>The last elections took place in 2008. Since then and until February 9, 2012, when it gave up its mandate, Romania was governed by other coalition government: formed by the Liberal Democrat Party (PDL)+ the National Union for the Progress of Romania (UNPL) + Democratic Union of Hungarians in Romania (UDMR).</p>		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election in the LOWER HOUSE:	November 30, 2008. This is the first time the MPs are no longer elected on the basis of party list, but according to a mixed system of single candidate voting, with proportional distribution of the mandates. The threshold was established at 5% of the total number of votes. Following the elections no party obtained the majority. For the Lower Chamber the results were as follows: PDL 115 mandates, PSD-PC 114, PNL 65 and UDMR 22 mandates. A total of 314 MPs+ 18 representatives of national minorities.	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, Christian democrat, extreme right, ethnic minority or regionalist party)
	Liberal Democrat Party (PDL)	115 (36, 6%)	Liberal conservative
	PSD (Social democrat Party)+ PC (Conservative Party)	114 (36,3 %)	Socialist party + conservative party
	PNL (National Liberal Party)	65 (20,7%)	Conservative liberalism

	UDMR (Democratic Union of Hungarians in Romania)	22 (7%)	Ethnic minority
	Latest election in the UPPER HOUSE:	Total: 137 de senators.	
	Name of the party	No. and percentage of seats in parliament (if applicable)	Ideological position (if not mentioned above)
	Liberal Democrat Party (PDL)	115 (36,6%)	Liberal conservative
	PSD (Social Democrat Party)+ PC (Conservative Party)	114 (36,3%)	Socialist party + conservative party
	PNL (National Liberal Party)	65 (20,7%)	Conservative liberalism
	UDMR (Democratic Union of Hungarians in Romania)	22 (7%)	Ethnic minority
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	The Lisbon Treaty was ratified on February 4th, 2008 and its ratification gathered a very large cross-party consensus. During the plenary debate, the representatives of all the parliamentary parties show their support for the ratification. 387 votes for, 1 against and 1 abstention.		

3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3.1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <ul style="list-style-type: none"> a. Constitutional provisions b. Legal provisions - Statutory provisions c. Parliamentary Standing Orders d. Other (please specify) <p>Is this process complete or ongoing?</p>
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Lower house	<p>For the moment, the Parliament hasn't adopted any regulations to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon.</p> <p>Both Chambers (the Senat on June 25th and the Camera Deputatilor on July 2nd) adopted the "Law on the cooperation between the Parliament and the Government in EU Affairs". The Liberal Democratic Party (PDL) group of the Senate appealed to the Constitutional Court. The appeal mainly questions article 18th and 19th of the law, both of them making reference, among others, to the parliamentary scrutiny procedure of the European Council meetings. The Court stated on September 25, declaring article 3, 18 and 19 unconstitutional.</p> <p>The justification of the draft bill comes from the fact that the Treaty of Lisbon offered the opportunity of a higher legislative participation in the European policy-making process and that this aspect is not reflected by the Romanian legislation or by the standing rules of the Parliament.</p> <p>We could thus consider that this process is ongoing.</p>
Upper house	See explanations for the Lower House.
3.2	What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...
3.2 i	The "Political Dialogue" with the Commission
Lower house	<p>Camera deputatilor receives the draft legislative proposals of the European Commission, European Parliament, and of the Council of the European Union, the legislative resolutions of the European Parliament, and the positions of the Council, the consultation papers of the European Commission. The Directorate for European Law shall register all documents received from the institutions of the European Union and notifies the Standing Bureau (<i>Biroul Permanent</i>), which sends them simultaneously to the Standing Committees and the EAC.</p> <p>The EAC shall request from the Department on European Affairs of the Government and/or the Ministry of Foreign Affairs the initial position of the Government regarding the draft legislative act or the consultation paper. The information supplied by the Department on European Affairs and/or the Ministry on Foreign Affairs shall be transmitted immediately to the referred Standing Committees.</p> <p>The referred Standing Committees shall elaborate a draft opinion regarding the substance of the examined document and shall transmit it to the EAC, in a timely manner, in order to allow the Committee to elaborate the final draft opinion, no later than 5 working days before the fixed term, together with the minutes of the debates and/or with the report upon which the draft opinion was adopted.</p> <p>The EAC shall elaborate the final draft opinion, integrating the points of view of the referred Standing Committees, which shall be sent to the Standing Bureau (<i>Biroul Permanent</i>), at the fixed term. The Standing Bureau decides either to submit it to the debate and the vote of the plenary or to send it directly to the Romanian government and to the European institutions.</p> <p>The EAC and the referred Standing Committees shall follow the evolution of the negotiation process within the institutions of the European Union and the successive papers, which can be adopted during this process (amended draft legislative acts, legislative resolutions of the European Parliament and positions of the Council).</p>
Upper house	Same procedure as for the Lower House.
3.2 ii	The Early Warning Mechanism (EWM)
Lower house	The Camera Deputatilor receives the referral letter initiating the eight weeks procedure to evaluate the compliance of the legislative proposal with the subsidiarity principle. The letter of referral shall be registered at the Directorate for European Law. The Directorate shall notify the

	<p>Standing Bureau (<i>Biroul Permanent</i>), which shall transmit the legislative proposal to the EAC and to the standing Committees proposed by the Directorate for European Law, within seven days from the date on which the written recommendations from the Directorate for European Law are received. The Standing Bureau (<i>Biroul Permanent</i>) shall decide to transmit the legislative proposal to other standing Committees, other than those proposed by the Directorate for Community Law. The transmission of the documents is done simultaneously, towards all referred Committees, as well as to the EAC.</p> <p>The examination is completed as follows:</p> <ol style="list-style-type: none"> 1) In case of compliance with the principle of subsidiarity, the referred Standing Committee shall draw-up a report containing the main elements of the debate, the vote, if necessary, and the compliance with the principle of subsidiarity. The report shall be transmitted for information to the Standing Bureau (<i>Biroul Permanent</i>) and to the Directorate for European Law for registration. 2) In case of noncompliance with the principle of subsidiarity, the referred Standing Committee shall write a draft reasoned opinion. <p>In case of noncompliance with the principle of subsidiarity the Standing Committee or the EAC shall notify immediately the Directorate for European Law in order to transmit the information to the permanent representative of the Camera Deputatilor to the European Parliament and of communicating the information to the national Parliaments through the IPEX platform, mentioning that the reasoned opinion is only a draft and does not represent the official point of view of the Camera Deputatilor.</p> <p>The referred Standing Committee shall transmit the draft reasoned opinion or the minutes to the EAC, by no later than the 40th day from the receipt of the referral letter.</p> <p>The EAC shall debate and elaborate, where appropriate, the following documents:</p> <ol style="list-style-type: none"> a) the final draft reasoned opinion, integrating the views expressed by the Standing Committees, in case of noncompliance with the principle of subsidiarity; b) an information note that includes the minutes of the Standing Committees, as well as the minutes of the debate of the EAC. <p>Their decision is forwarded to the Standing Bureau (<i>Biroul Permanent</i>), which decides either to submit it to the debate and the vote of the plenary or to send it directly to the government and to the European institutions.</p>
Upper house	Same procedure as for the Lower House.
3.2 iii	The "Passarelle clause"
Lower house	There are no rule regarding the "Passarelle clause"
Upper house	There are no rule regarding the "Passarelle clause"
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
Lower house	The "Law on the cooperation between the Parliament and the Government in EU Affairs" states only the possibility for the Parliament or for one of the two chambers to initiate an action of annulment before the ECJ without any precision about the quota of MPs needed to enforce the action of annulment.
Upper house	The "Law on the cooperation between the Parliament and the Government in EU Affairs" states only the possibility for the Parliament or for one of the two chambers to initiate an action of annulment before the ECJ without any precision about the quota of MPs needed to enforce the

	action of annulment.		
3.2 v	Accession of new member states to the EU		
Lower house	There are no rules regarding the accession of new member states to the EU.		
Upper house	There are no rules regarding the accession of new member states to the EU.		
3.3	How actively does the parliament engage in the political dialogue and “early warning mechanism” with the Commission?		
Lower house		2010	2011
	Opinion	0	40
	Reasoned Opinion	0	2
Upper house		2010	2011
	Opinion	9	33
	Reasoned Opinion	0	2
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?		
Lower house	No		
Upper house	No		
3.5	If applicable to your member state, how does parliament proceed on the ratification of: a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012 b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012		
Lower house	<p>a. N/A</p> <p>b. The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union has been ratified by the Camera Deputatilor on Mai, 8th and by the Senat on Mai, 21st, by a draft bill. The draft bill was submitted on the 20th of March. It was first put on the agenda of the plenary on the 24th of April in an emergency procedure. However, due to the lack of quorum it was only adopted on the 8th of Mai.</p>		
Upper house	<p>a. N/A</p> <p>b. The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union has been ratified by the Camera Deputatilor on Mai, 8th and by the Senat on Mai, 21st, by a draft bill. The draft bill was submitted on the 20th of March. The plenum of the Senat ratified it on the 21st of Mai.</p>		