

# CERTAIN ASPECTS REGARDING THE ADMINISTRATIVE ACTS ISSUED BY PUBLIC AUTHORITIES

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## Abstract

Amongst the most debated judicial acts issued by the President of Romania, in exercising his constitutional attributions, through which he adopted measures, from 1990 to the present day, were, on one hand, the individual pardon and, respectively, the pardon revocation decree and, on the other hand, the establishing of the state of emergency on the territory of Romania.

In the first case, in 2004, the theoretical debates amongst law theoreticians, but also in the public opinion in general, were abundant, and the problem developed by these doctrinal analyses moved into the courts of law. Pending on the docket before the administrative and fiscal contentious section there was a case in which was decided on the illegality exception of the decree through which the individual pardon given by decree by the President of Romania was revoked.

17 years after that case we notice a reprise of the same effervescence at the public opinion level, but this time we are in an exceptional situation, during the SARS CoV19 pandemic. Thus, in March 2020 there came a moment of reflection on the public agenda regarding another measure taken by the President of Romania, a measure that is seen as controversial, namely the establishing of the state of emergency on the territory of Romania.

Therefore, in this study, based on the analysis of the legislation, doctrine and jurisprudence, we will present our point of view on the administrative acts of the President of Romania, all in a personal approach and, in the end, we will present the conclusions reached following this analysis.

**Keywords:** Constitution, administrative act, public authorities, individual pardon, state of emergency.

## 1. Introduction

The analysis of the decrees issued by the President of Romania is not new. On one hand, this was developed in doctrine<sup>1</sup>, but a scientific research such as the one we propose, was not done before. On the other hand, the subject is current, the decree of state of emergency on the territory of Romania being recently brought to the attention of the public opinion, in March 2020, in the context of a global pandemic such as the one generated by the Covid virus, an epidemic like no other that humankind has faced before. The importance of the study resides in the emphasis of the idea that, although in the history of a state there may be exceptional situations (states of emergency or alert), respecting the citizens' fundamental rights and freedoms by the public authorities is a non-negotiable must.

In this regard we mention, as shown in our doctrine: "The evolution of human society, the complex and sinuous character of the relations coming to existence within states, as well as at supra-state level, be it regional or global, determines the need to identify new judicial, as well as politico-economical instruments, certain protection measures of the fundamental human rights and liberties, seen in

general, of the individual freedom, in particular, as constant counterweight to the tendency of state repression that any government manifests towards its citizens, sometimes openly, other times discretely, under reasonable or imaginary pretexts"<sup>2</sup>.

The research objective for this study is to prove the importance and actuality of the administrative act in the contemporary society, as a main judicial form of activity of the public authorities. The research methods that we are going to use in this study are the informational method, the comparative method or the logical method.

## 2. Judicial acts of the President of Romania

### 2.1. The individual pardon

According to article 100, para. (1) of the Constitution: "In the exercise of his duties, the President emits decrees that are published in the Official Journal of Romania. Failure to publish brings forth the non-existence of the decree". Our analysis regards only the individual pardon, this being the exclusive attribute of the President of Romania, unlike the collective pardon<sup>3</sup>, where the authority lies with the Parliament of Romania. We will not analyze this

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<sup>1</sup> V. Vedinas, *Drept administrativ*, 12<sup>th</sup> Edition revised and updated, Universul Juridic Publishing House, Bucharest, 2020; D. Apostol Tofan, *Drept administrativ*, volume II, 5<sup>th</sup> Edition, C.H.Beck Publishing House, Bucharest 2020; C.S.Sărau, *Drept administrativ. Probleme fundamentale ale dreptului public*, C.H.Beck Publishing House, Bucharest, 2016; M.V.Cărăușan, *Drept administrativ*, volume I, Economica Publishing House, Bucharest, 2012 etc.

<sup>2</sup> S.G.Barbu, *Dimensiunea constituțională a libertății individuale*, Hamangiu Publishing House, Bucharest, 2011, p. 4.

<sup>3</sup> Law no. 546/2002 regarding the pardon and the pardon giving procedure, published in the Official Journal no. 755 from October 18 2002 and republished in the Official Journal no. 287 from April 18 2004, last modified by Law no. 255/2013 (...), published in the Official Journal no. 515 from August 14 2013.

thoroughly, but will only look at those elements essential in accomplishing the objective of this study.

From the analysis of the constitutional provisions of article 100 para. (1) and article 94 letter d), the following judicial regime of the individual pardon is evident:

- A single person is individually pardoned, the authority lying with the President of Romania. Our Constitution does not detail any other formal details of this decree in the sense of limiting the number of individual pardons in a year or what categories of crimes are being pardoned.
- The individual pardon has to be countersigned by the Prime-minister, *ad validitatem*.
- The individual pardon must be published in the Official Journal of Romania, under the express sanction of non-existence.

From the analysis of the constitutional texts, we understand that in Constitution there is no imperative norm regarding the pardon decision taken by the President. He only has the possibility to pardon, not the obligation to do so. However, the Constitution imposes the countersigning and publishing in the Official Journal, formalities following the pardon decision taken by the chief of state through decree. In fact, at first glance, the decision to individually pardon a person is more a political decision, which, still, has a legal form, although this is the case of a public authority that performs the activity of public administration<sup>4</sup>.

At the same time, in our analysis, we also indicate other relevant legislative provisions, such as article 1 para. (5) of the Constitution: "In Romania, respecting the Constitution, its supremacy and laws is compulsory", as well as also article 6 of the Administrative Code, with the marginal title - the principle of legality: "the authorities and institutions of public administration, as well as their personnel, have the obligation to act with the observance of the applicable legal provisions and treaties and international conventions to which Romania is party". Moreover, as the doctrine showed, "the fundamental law governs the principle of legality as one of the essential elements of public administration, which ultimately signifies the administration's subordination to the Constitution and the law, and represents a warranty of those being administered against abuse or mistakes following the actions of the authorities"<sup>5</sup>. This reference from the Administrative Code restates the constitutional provisions that refer to the harmonization

of the national law and the community acquis<sup>6</sup> but also with the priority of the international regulations regarding the fundamental human rights.

The case study that we briefly present in this section refers to individual pardon no. 1164/December 15<sup>th</sup>, 2004, on certain individual pardons<sup>7</sup>, revoked by decree no. 1173/December 17<sup>th</sup>, 2004, on the revoking of the individual pardon of certain individuals<sup>8</sup>. Practically, the legal problem that was stated at that moment was referring to the question: can an administrative act published in the Official Journal still be revoked by the issuing authority? Obviously, the answer was not easy to give, especially since the issuing authority was not any public authority, but the President of Romania and, corroborated with the provisions of article 126 para. (6) of the Constitution and article 5 of the Law of the administrative contentious no. 554/2004, the problem raised was if that administrative act – the revoking decree of individual pardon may or may not be subjected to the legality control coming from the administrative contentious courts, respectively if, in the meaning of the law, it does not fall into the category of administrative acts that regard the relations with the Parliament.

The doctrine stated that: "within the current constitutional framework, the administrative acts that regard the relations with the Parliament refer either to the direct relation between the legislative and the executive (for example, the appointment of the Government – article 85 of the Constitution, the dissolution of the Parliament – article 89 of the Constitution), or the indirect relation that gives them the character of complex administrative acts, such as the countersigning of the President's decrees by the Prime-minister, who, in his turn, is subjected to Parliamentary control (art. 100 para. 2 of the Constitution)<sup>9</sup>".

Through decision no. 1840/2005, the Administrative and Fiscal Contentious Section<sup>10</sup> of the High Court of Cassation and Justice notices that: "the decrees regarding individual pardon are unilateral judicial acts of public law through which two wills are manifested, but which have the same effect, and, regardless of the fact that these are called complex administrative acts or atypical administrative acts, certainly these judicial acts cannot be assimilated to another category of administrative acts, because they are the result of relations of a constitutional nature, on

<sup>4</sup> See also: R.M.Popescu, *Jurisprudența CJUE cu privire la noțiunea de „administrație publică” utilizată în art. 45 alin. (4) TFUE*, in CKS ebook 2017, pp. 528-532.

<sup>5</sup> I. Lazăr, *Jurisdicții administrative în materie financiară*, Universul Juridic Publishing House, Bucharest 2011, p.84.

<sup>6</sup> Details about the community acquis in: A. Fuerea, *Manualul Uniunii Europene, 6th edition, reviewed and added*, Universul Juridic Publishing House, Bucharest, 2016, p. 37-38.

<sup>7</sup> Decree no. 1164/15 December 2004 regarding certain individual pardons, published in the Official Journal no. 1207 from December 16 2004.

<sup>8</sup> Decree no. 1173/17 December 2004 regarding the revoking of individual pardon of certain individuals, published in the Official Journal no. 1219 from 17 December 2004.

<sup>9</sup> G. Bogasiu, *The administrative act justice. A bi-univocal approach*, Universul Juridic Publishing House, Bucharest, 2013, p. 158.

<sup>10</sup> Public information available on: <https://legeaz.net/spete-contencios-inalta-curte-iccj-2005/decizia-1840-2005>, accessed on the 2<sup>nd</sup> of February 2021, 17.30.

one hand, between the two heads of the executive and, on the other hand, with the Parliament”.

In the opinion of the High Court of Cassation and Justice: “the reason of the obligation to countersign these decrees by the Prime-minister comes exactly from exercising an indirect control that arises from the principle of constitutional democracy (...). By means of the countersigning institution, the Parliament exercises an indirect control, through the mediation of the Prime minister, who is accountable to the legislative”. Essentially, in this case, it was appreciated that the President’s decrees countersigned by the Prime-minister are exempted from the administrative contentious control<sup>11</sup>.

Moreover, it was recently stated that: “(...) talking about a revocation decree of an individual pardon (...), exercising control, the court had to verify if, talking about an individual administrative act, is enters or not in the category of exceptions from the revocation principle”<sup>12</sup>. The cited author continues: “In the absence of an Administrative Procedure Code that could list these mandatory exceptions, by reporting to the administrative doctrine, we consider that an individual pardon enters the category of irrevocable acts, as long as the pardon has been enforced, meaning that it produced effects in a different judicial regime, namely the criminal executional law”<sup>13</sup>.

In a different opinion, it was stated that “the individual pardon, once published, is an irrevocable administrative act, and the decree through which it is revoked cannot be exempted from the control of the administrative contentious courts, so its legality can make the object of an action in administrative contentious or an illegality exception”<sup>14</sup>.

## 2.2. The state of emergency decree

In Romania, the state of emergency regime is governed by G.E.O. no. 1/1999 regarding the regime of state of siege and state of emergency<sup>15</sup>. According to article 93 of the Constitution, named – *Exceptional measures*: para. (1): “*The President of Romania instituted, according to the law, the state of siege or the state of emergency in the entire country or in certain*

*administrative-territorial units and requests the approval of the Parliament for the adopted measure, no later than 5 days after it has been taken”* and para. 2: “*If the Parliament is not in session, it shall lawfully convene no later than 48 hours from the institution of the state of siege or state of emergency and it functions throughout its entire duration”*.”

In Romania, in the spring of 2020, two decrees were issued regarding the state of emergency. Thus, on March 16<sup>th</sup>, 2020, the President of Romania, through decree no. 195 instituted the state of emergency on the territory of Romania<sup>16</sup>, according to article 93, para. 1 of the Constitution, article 100 and article 3 and article 10 of the Government Emergency Ordinance no. 1/1999 regarding the state of siege and state of emergency regime. In addition, through decree no. 240 from April 14<sup>th</sup>, 2020, issued by the President of Romania, the state of emergency on the territory of Romania was extended<sup>17</sup>. From that moment through the present, a multitude of administrative acts of the public authorities regarding people’s quarantine or isolation have been issued. Subsequently, and we will only mention one case, the Constitutional Court rendered its opinion, admitting the unconstitutionality exception<sup>18</sup> regarding the legislation on quarantine and isolation<sup>19</sup>.

According to article 3 of Government Emergency Ordinance no. 1/1999 the state of emergency represents: “the entirety of measures with political, economic, social character that are instituted throughout the country or in certain areas, or in certain administrative-territorial units, in the following situations:

a. The existence of threats regarding national security or constitutional democracy, which makes necessary the defense of the institutions of the constitutional state and the maintaining or reestablishing of the state of legality;

b. The imminence or occurrence of disasters, which makes the prevention, limiting and the removal of their effects necessary”.

The institution of the state of emergency by the President of Romania must also be analyzed according

<sup>11</sup> For more information, see V. Vedinas, *op. cit.*, 2020, pp. 138-140 or C.S. Sararu, *op. cit.*, 2016, pp. 594-596.

<sup>12</sup> D.Apostol Tofan, *op.cit.*, 2020, pp.147-148

<sup>13</sup> *Ibidem*, p.148.

<sup>14</sup> L. Chiriac, *Despre irevocabilitatea și controlul de legalitate a decretului de grațiere- act administrativ individual*, in Studia Universitatis Babes Bolyai Jurisprudentia nr.2/2008, p.53, available online: <http://studia.ubbcluj.ro/download/pdf/424.pdf>, accessed on February 22nd 2021, 16.30.

<sup>15</sup> Government Emergency Ordinance no. 1/1999 regarding the state of siege and emergency state regime, published in the Official Journal no. 22 from January 21st 1999 and approved by Law no. 453 from November 1st 2004, published in the Official Journal no 1052 from November 12th 2004 and modified by Law no. 164/2019 (...), published in the Official Journal no 811/October 7th 2019 with the subsequent modifications and additions.

<sup>16</sup> Decree no. 195/March 16<sup>th</sup>, 2020 on the institution of the state of emergency on the territory of Romania, published in the Official Journal no. 212 from March 16<sup>th</sup>, 2020.

<sup>17</sup> Decree no. 240 from April 14<sup>th</sup>, 2020 on the extension of the state of emergency on the territory of Romania, published in the Official Journal no. 311 from April 14<sup>th</sup>, 2020.

<sup>18</sup> For more details on the unconstitutionality exception, see: S. G. Barbu, C. M. Florescu, *Aspects concerning the admissibility of the exception of unconstitutionality*, Bulletin of the Transilvania University Braşov, Series VII, Vol 13 (62) No.2-2020, [http://webbut.unitbv.ro/Bulletin/Series%20VII/2020/BULETIN%20I/23\\_Barbu-Florescu.pdf](http://webbut.unitbv.ro/Bulletin/Series%20VII/2020/BULETIN%20I/23_Barbu-Florescu.pdf), pp.293-298, accessed on February 22<sup>nd</sup>, 2021, 21.30.

<sup>19</sup> Decision of the Constitutional Court no. 458/2020, published in the Official Journal no. 581 from July 2<sup>nd</sup>, 2020.

to article 53 of the Constitution, which regulates the restriction of the exercise of certain rights or freedoms. From the analysis of the constitutional construction, the following judicial regime of the instituting the state of emergency is derived:

- The state of emergency is instituted by the President of Romania, through decree.
- The imposing of the state of emergency is instituted “*according to the law*”.
- The Parliament must approve of the adopted measure, within 5 days at most after been taken or, if the Parliament is not in session, it will rightfully convene within 48, hours at most, from the institution of the state of siege or state of emergency and it functions throughout its duration.
- According to article 100 para. (2) of the Constitution, “the decrees issued by the President of Romania in exercising the attributions established in article 93 para. (1) *are countersigned* by the Prime-minister”.
- The declaration of the state of emergency must observe the judicial regime of the restriction of certain rights or freedoms established by article 53 of the Constitution: “*only through law and only if it is necessary*” (...).
- The decree of instituting the state of emergency must be published in the Official Journal.
- Being an administrative act, issued by a public authority, the decree must be motivated.
- Recent doctrine states that “precisely because it is a normative administrative act, the Presidential decree can be subjected to a legality control from the administrative contentious courts, according to article 5 para. 3 of the Law of the administrative contentious. The court could verify if the President went beyond the competence given by the lawmaker and acted with excess of power, going beyond the purpose of the rule”<sup>20</sup>.

### 3. Comparative analysis between the individual pardon and the decree instituting the state of emergency

The main resemblance between the two acts consists of the fact that they are Presidential acts with legal character, being administrative acts, expressly mentioned by the Constitution. Then, they both fall in the category of decrees that must be countersigned by the Prime-minister and published in the Official Journal, under the sanction of non-existence.

A first distinction refers to the fact that the decree of state of emergency imposition must be later on

approved by the Parliament, within a mandatory deadline provided by the Constitution, two hypotheses being entertained: one in which the Parliament is in session (within 5 days from the taking of the measure) and the second one when it is not in session (within 48 hours from the institution of the state).

Unlike the individual pardon that is analyzed, and related to it, the decree revoking a individual pardon (2014), regarding the decree instituting a state of emergency and the extension of the state of emergency by 30 days, have been impacted by a series of other administrative acts, most of which have been contested because of the imposed sanctions. For example, the fines given to the citizens for disrespecting the obligation of wearing masks, a situation still not definitively resolved at institutional level, a frail jurisprudence being seen.

On the other hand, if in case of individual pardon, the President may give pardon to any individual, although regarding collective pardon Law no. 546/2002 (...) confers a more restrictive regime to this act of clemency, in the case of the instituting the state of emergency, the President enforces the legal dispositions, in this case speaking about Government Emergency Ordinance no. 1/1999 (...) as subsequently modified and completed.

### 4. Conclusions

The present study proposed a summary consideration of the President’s administrative acts, starting from two well-known cases (from 2004 and 2020). The analysis of the administrative acts issued by the President of Romania approached both a normative administrative act – the decree of instituting the state of emergency, and an individual administrative act – the individual pardon, in order to emphasize the fact that his acts with legal character can have both a normative and an individual character.

Although the administrative act benefits of the legality presumption<sup>21</sup>, which is relative, still, in some cases we speak about the absolute presumption of legality. In this sense, we consider the proposed objective of this study as being fulfilled and along with the doctrine we express our point of view according to which: “the presidential decrees countersigned by the Prime-minister enter the sphere of exception from the legality control mentioned by article 5 of the Law on the administrative contentious no. 554/2004 and by article 126 para. 6 of the Constitution which refers to *the acts that regard the relation with the Parliament*”<sup>22</sup>.

<sup>20</sup> B. Dima, *Care este natura juridică a decretelor Președintelui României emise pentru instituirea și prelungirea stării de urgență*, available online: <https://www.g4media.ro/care-este-natura-juridica-a-decretelor-presedintelui-romaniei-emise-pentru-instituirea-si-prelungirea-starii-de-urgenta-op-ed.html>, accessed on February 22nd, 2021, 21.00.

<sup>21</sup> M. Comsa, S. G. Barbu, *Contencios administrativ și fiscal. Sinteze de jurisprudență*, Hamangiu Publishing House, Bucharest, 2013, p. 11: “It is a known fact that the administrative act enjoys the legality presumption, as well as the fact that the unilateral administrative act is in itself an executive title (...)”.

<sup>22</sup> V. Vedinaș, *op.cit.*, 2020, p.140.

The legislation used with respect to the President<sup>23</sup> and on which we performed the judicial interpretation<sup>24</sup> comprised, mainly, the revised Constitution<sup>25</sup>, but also other normative acts. In

conclusion, by means of the two types of decrees analyzed in the present study, we appreciate the actuality and importance of the administrative act in the contemporary society.

## References

- S. G. Barbu, *Dimensiunea constituțională a libertății individuale*, Hamangiu Publishing House, Bucharest, 2011;
- S. G. Barbu, C. M. Florescu, *Aspects concerning the admissibility of the exception of unconstitutionality*, Bulletin of the Transilvania University Brașov, Series VII, Vol 13 (62) No.2-2020, [http://webbut.unitbv.ro/Bulletin/Series%20VII/2020/BULETIN%20I/23\\_Barbu-Florescu.pdf](http://webbut.unitbv.ro/Bulletin/Series%20VII/2020/BULETIN%20I/23_Barbu-Florescu.pdf), accessed on February 22<sup>nd</sup>, 2021, 21.30;
- M. Bădescu, *Teoria generală a dreptului*, Sitech Publishing House, Craiova, 2018;
- G. Bogasiu, *The administrative act justice. A bi-univocal approach*, Universul Juridic Publishing House, Bucharest, 2013;
- M. V. Cărăușan, *Drept administrativ*, volume I, Economica Publishing House, Bucharest, 2012;
- L. Chiriac, *Despre irevocabilitatea și controlul de legalitate a decretului de grațiere- act administrativ individual*, in *Studia Universitatis Babes Bolyai Jurisprudentia* no.2/2008, p.53, available online, <http://studia.ubbcluj.ro/download/pdf/424.pdf>, accessed on February 22<sup>nd</sup>, 2021, 16.30;
- M. Comsa, S.G. Barbu, *Contencios administrativ și fiscal. Sinteze de jurisprudență*, Hamangiu Publishing House, Bucharest, 2013;
- Șt. Deaconu (coord.), I. Muraru, E. S. Tănăsescu, S. G. Barbu, *Codex constituțional. Constituțiile statelor membre ale Uniunii Europene*, vol. I și II "Monitorul Oficial" Publishing House, Bucharest, 2015;
- B. Dima, *Care este natura juridică a decretelor Președintelui României emise pentru instituirea și prelungirea stării de urgență*, available online: <https://www.g4media.ro/care-este-natura-juridica-a-decretelor-presedintelui-romaniei-emise-pentru-instituirea-si-prelungirea-starii-de-urgenta-op-ed.html>, accessed on February 22<sup>nd</sup>, 2021, 21.00;
- A. Fuerea, *Manualul Uniunii Europene, 6<sup>th</sup> edition, reviewed and added*, Universul Juridic Publishing House, Bucharest, 2016;
- I. Lazăr, *Jurisdicții administrative în materie financiară*, Universul Juridic Publishing House, Bucharest 2011;
- R. M. Popescu, *Introducere în Dreptul Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2011;
- R. M. Popescu, *Jurisprudența CJUE cu privire la noțiunea de „administrație publică” utilizată în art. 45 alin. (4) TFUE*, in *CKS ebook 2017*;
- C. S. Săraru, *Drept administrativ. Probleme fundamentale ale dreptului public*, C.H.Beck Publishing House, Bucharest, 2016;
- D. Apostol Tofan, *Drept administrativ*, volume II, 5<sup>th</sup> Edition, C.H.Beck Publishing House, Bucharest 2020;
- V. Vedinas, *Drept administrativ*, 12<sup>th</sup> Edition revised and updated, Universul Juridic Publishing House, Bucharest, 2020;
- Romanian Constitution;
- Law no. 546/2002 regarding the pardon and the pardon giving procedure, published in the Official Journal no. 755 from October 18 2002 and republished in the Official Journal no. 287 from April 18 2004, last modified by Law no. 255/2013 (...), published in the Official Journal no. 515 from August 14 2013;
- Government Emergency Ordinance no. 1/1999 regarding the state of siege and state of emergency regime, published in the Official Journal no. 22 from January 21<sup>st</sup>, 1999 and approved by Law no. 453 from November 1<sup>st</sup>, 2004, published in the Official Journal no 1052 from November 12<sup>th</sup>, 2004 and modified by Law no. 164/2019 (...), published in the Official Journal no 811/October 7<sup>th</sup>, 2019 as subsequently modified and completed;
- Decision of the Constitutional Court no. 458/2020, published in the Official Journal no. 581 from July 2<sup>nd</sup>, 2020;
- Decree no. 1173/17 December 2004 on the revoking of individual pardon of certain individuals, published in the Official Journal no. 1219 from 17<sup>th</sup> of December ,2004;
- Decree no. 1164/15<sup>th</sup> of December, 2004 on certain individual pardons, published in the Official Journal no. 1207 from December 16<sup>th</sup>, 2004;
- Decree no. 195/March 16<sup>th</sup>, 2020 on the institution of the state of emergency on the territory of Romania, published in the Official Journal no. 212 from March 16<sup>th</sup>, 2020;

<sup>23</sup> For more information about the head of state in compared law, see: Șt. Deaconu (coord.), I. Muraru, E.S. Tănăsescu, S. G. Barbu, *Codex constituțional. Constituțiile statelor membre ale Uniunii Europene*, vol. I and II "Monitorul Oficial" Publishing House, Bucharest, 2015, p.844 and p.876.

<sup>24</sup> More on the judicial norms interpretation, see: M. Bădescu, *Teoria generală a dreptului*, Sitech Publishing House, Craiova, 2018, pp. 167-187.

<sup>25</sup> For more details see: R. M. Popescu, *Introducere în Dreptul Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2011, p. 148 and the following.

- Decree no. 240 from April 14<sup>th</sup>, 2020 on the extension of the state of emergency on the territory of Romania, published in the Official Journal no 311 from April 14<sup>th</sup>, 2020;
- <https://legeaz.net/spete-contencios-inalta-curte-iccj-2005/decizia-1840-2005>, accessed on February 2<sup>nd</sup>, 2021, 17.30.