

THE ADMISSIBILITY OF THE EXCEPTION OF UNCONSTITUTIONALITY: A WAY TO REGULATE AND CONTROL THE ACCESS TO CONSTITUTIONAL JURISDICTION

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Abstract

Given the remarkable increase of the number of cases registered before the Constitutional Court, this paper examines the possibility of adopting a solution aimed at easing the Court's workload by eliminating, through a preliminary filtering procedure, manifestly inadmissible exceptions of unconstitutionality. In arguing for the usefulness of such a mechanism, we made reference to the way in which admissibility procedures are structured before certain foreign constitutional or quasi-constitutional courts, as we dare to say that could be called the European Court of Human Rights. While acknowledging and appreciating the contribution of Romanian courts, which carry out an initial filtering procedure of exceptions of unconstitutionality, the paper shows that, after their registration, the Constitutional Court identifies additional grounds of inadmissibility derived from the interpretation of the strict rules imposed by Law No. 47/1992 on the Organization and Functioning of the Constitutional Court. At first sight somewhat paradoxically, this interpretation has had the effect not of restricting, but rather of facilitating access to constitutional justice. Such an approach has been justified by the Constitutional Court's recognition of the importance of ensuring the constitutional mechanism for the protection of potentially violated fundamental rights, to the detriment of excessive procedural formalism.

Keywords: constitutional review, exception of unconstitutionality, preliminary filter, constitutional justice, supremacy of the Constitution.

1. Introduction

The idea underlying the present paper was generated by an observation, obvious to anyone consulting the statistics concerning the activity of the Constitutional Court of Romania, namely that the institution faces, year after year, a spectacular increase in the number of cases it is called upon to adjudicate. It is unclear whether the explanation for this phenomenon lies in the growing visibility of the Constitutional Court in the media, whether it is the result of citizens' desperate need to find a final hope or refuge or last resort within a complex judicial system that is itself oversaturated, or whether the institution is a so-called victim of its own success. One thing, however, is certain: the Constitutional Court's workload is following a continuously upward trend.

The powers of the Constitutional Court, enshrined in Article 146 of the Constitution, are highly diverse. Thus, it has the following powers: to adjudicate on the constitutionality of laws before promulgation, of treaties or other international agreements, and of the Standing Orders of Parliament; to rule upon objections as to the unconstitutionality of laws and ordinances raised before courts of law or commercial arbitration tribunals and on pleas of unconstitutionality brought directly by the Ombudsman; to settle legal disputes of a constitutional nature between public authorities; to ensure compliance with the procedure for the election of the President of Romania and to confirm the election results; to ascertain the circumstances justifying the interim exercise of the office of President of Romania and to report its findings to Parliament and the Government; to give an advisory opinion on proposals for the suspension of the President from office; to ensure compliance with the procedure for organizing and conducting referenda and to confirm their results; to verify compliance with the conditions for the exercise of citizens' legislative initiative; to rule upon challenges concerning the constitutionality of political parties; and finally, to fulfill any other powers provided for by the organic law of the Court.

Among all of these, we will focus on the a posteriori constitutionality review of laws after their promulgation by the President of Romania, as well as of Government ordinances, according to Article 146 letter

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d) of the Constitution. And in this area of analysis, we will insist on the issue of the admissibility of exceptions to unconstitutionality, presenting various situations that the Constitutional Court has faced in its jurisprudence.

2. The Constitutional Court's Activity Regarding the Resolution of Exceptions of Unconstitutionality

Among the wide range of powers above listed, the one that overwhelmingly dominates the Court's docket from a statistical perspective is the adjudication on the exceptions of unconstitutionality.

According to Article 29 paragraph (1) of Law No. 47/1992 on the Organization and Functioning of the Constitutional Court, the Court shall decide upon exceptions raised before courts of law or commercial arbitration tribunals concerning the unconstitutionality of laws and Government ordinances in force, or provisions thereof, where such provisions are relevant to the settlement of the case, regardless of the stage of the proceedings or the subject matter thereof. Paragraph (2) of the same article states that the exceptions may be raised at the request of either party or ex officio by the court hearing the case. Likewise, the prosecutor may raise such an exception in cases in which he or she participates in the proceedings.

As we have shown in another paper¹, the possibility of raising exceptions of unconstitutionality within proceedings pending before various courts constitutes per se a guarantee of the fairness of the trial. This procedural instrument offers the parties the possibility of challenging the constitutionality of the provisions applicable to their case and provides them, once the issue has been resolved, with the certainty that their dispute is adjudicated on the basis of legal provisions consistent with the Fundamental Law.

Probably, in the current socio-geopolitical context, marked by instability and serious crises not only at national but also - perhaps especially - at international level, persons seeking judicial protection or recognition of various rights wish at least to ensure that the legal provisions applicable to their cases are beyond any suspicion of unconstitutionality. This may represent one of the causes of the significant multiplication in the number of requests referred to the Constitutional Court.

An analysis of the statistical data available on the Constitutional Court's website clearly reveals this evolution. Looking only at the last six years, we notice that in 2020 the Constitutional Court registered 2,401 cases concerning exceptions of unconstitutionality². In 2021, there was a remarkable increase, with 3,939 such exceptions registered³. In 2022, the number decreased to 2,916 cases⁴, only to rise again in 2023, reaching 3,639 cases⁵. In 2024, the same upward trend continued, with the Court receiving 4,050 cases concerning exceptions of unconstitutionality⁶. The peak was reached in 2025, when 5,195 such exceptions were registered⁷. Given that by April 2026 almost 3,000 cases had already been registered under Article 146 letter d) of the Constitution, it is possible to anticipate that this record will be exceeded by the end of 2026.

These statistics reflect an overwhelming reality for the Constitutional Court, diminishing its ability to truly fulfill its role as guarantor of the supremacy of the Constitution, entrusted to it by Article 142 of the Fundamental Law. We believe that a possible solution for coping with the influx of cases registered before the Court could be the establishment of a mechanism for the preliminary examination of the admissibility of exceptions of unconstitutionality, directly at the level of the Constitutional Court itself. As will be shown below, courts referring matters to the Constitutional Court are already required to carry out an initial selection of exceptions of unconstitutionality raised during the trials by parties to the proceedings, depending on whether the conditions laid down in Article 29 paragraphs (1)-(3) of Law No. 47/1992 are fulfilled. However, this first screening appears insufficient, that is why we think it might be useful to introduce an additional level of preliminary admissibility review, so that manifestly inadmissible exceptions of unconstitutionality no longer proceed to adjudication following public hearings.

¹ Bărbățeanu V., Muraru A., „Analiza caracterului echitabil al procedurii în contenciosul constituțional”, published in the volume In onorem Nicolae Popa, Hamangiu Publishing House, Bucharest, 2024.

² <https://www.ccr.ro/wp-content/uploads/2021/01/Statistica-site-2020.pdf>.

³ <https://www.ccr.ro/wp-content/uploads/2022/01/Statistica-site-2021.pdf>.

⁴ <https://www.ccr.ro/wp-content/uploads/2023/01/Statistica-site-2022.pdf>.

⁵ <https://www.ccr.ro/wp-content/uploads/2023/01/Statistica-site-2022.pdf>.

⁶ <https://www.ccr.ro/wp-content/uploads/2025/01/Statistica-site-2024.pdf>.

⁷ <https://www.ccr.ro/wp-content/uploads/2026/03/Statistica-site-2025.pdf>.

3. Legislative Solutions for Preliminary Admissibility Review in Comparative Law

In this context, it is worth noting that, at the European level, several jurisdictions employ a system of initial filtering of applications addressed to them, with requests being examined on the merits only after this stage has been completed.

A particularly eloquent example is the European Court of Human Rights itself, the most prestigious forum for the defense of fundamental human rights and freedoms, which operates according to a procedure of *prima facie* admissibility of applications lodged by natural or legal persons alleging violations of fundamental human rights by the member States to the European Council⁸. To this end, pursuant to Article 47 - Content of an Individual Application of the Rules of Court (most recently amended on the 18th of January 2024)⁹, the Registry of the Court first proceeds to select only those applications meeting the requirements imposed by the forementioned article and requests applicants to supplement incomplete applications where necessary. An application will not be registered if the deficiencies indicated by the Registry are not remedied.

Beyond this purely administrative stage, particularly important is the role of the single-judge formation, which carries out an initial review of applications registered by the Registry of the European Court of Human Rights and may declare an application inadmissible where its inadmissibility is manifest¹⁰. Pursuant to Article 27 of the Convention for the Protection of Human Rights and Fundamental Freedoms, a single judge may declare an application inadmissible or strike it out of the list whenever such a decision can be taken without further examination. The decision thus rendered is final.

Another method of limiting the number of applications can be found in France, where the Constitutional Council may be seized only by two major judicial authorities situated at the apex of their respective systems (orders), namely the Conseil d'État (for the administrative order) and the Court of Cassation (for the judicial order). Following the revision of the Constitution of the Fifth French Republic on the 23rd of July 2008, Article 61-1 was introduced, regulating *ex post* constitutional review of legislation¹¹. Prior to that moment, the French Constitutional Council exercised only *a priori* review of laws before their entry into force, while subsequent review of constitutionality represented a long-awaited innovation for French jurists. Unlike this mechanism, in Romania any court may refer to the Constitutional Court requests concerning exceptions of unconstitutionality.

Finally, another relevant example is offered by the Constitutional Court of the Republic of Moldova¹², which, although it adopted a system very similar to the one established in Romania, additionally introduced a filtering mechanism for the exceptions of unconstitutionality referred to it. Within this framework, the admissibility of an exception of unconstitutionality is examined by the Constitutional Court as a matter of priority within no more than 15 days from the registration of the request. Admissibility is examined in closed session, without the participation of the parties. Only applications declared admissible proceed to a public hearing. According to Judgment No. 2 of the 9th of February 2016 of the Constitutional Court of Moldova¹³, the Court verifies the fulfillment of admissibility conditions both on the basis of the referring court's decision and of the exception itself, examining whether: the subject matter of the exception falls within the category of acts whose constitutionality may be reviewed by the Constitutional Court; the exception was raised by one of the parties, its representative, or *ex officio* by the court; the contested provisions are applicable to the settlement of the case; and there is no previous judgment of the Court concerning the same contested provisions¹⁴.

4. The Examination of the Admissibility of Exceptions of Unconstitutionality under Romanian Legislation

In Romania, the admissibility of the exception is examined together with the merits, in the sense that it does not constitute a preliminary stage preceding the adjudication of the exception of unconstitutionality. On

⁸ For details, see Popescu R.-M., *Drept internațional public. Noțiuni introductive*, Universul Juridic Publishing House, Bucharest, 2023.

⁹ https://www.echr.coe.int/documents/d/echr/Rules_Court_ROM.

¹⁰ https://www.echr.coe.int/documents/d/echr/50questions_ron.

¹¹ For more details, see Bărbăteanu V., „Întrebarea prioritară de constituționalitate în Franța (Q.P.C.)”, *Revista de Drept Public* no. 1-2/2012.

¹² Deaconu Șt., Muraru I., Tănăsescu E.S., Barbu S.G., *Codex constituțional. Constituțiile statelor membre ale Uniunii Europene*, Monitorul Oficial Publishing House, Bucharest, 2015.

¹³ https://www.constcourt.md/public/files/file/Actele%20Curtii/Ghid_exceptie_neconstitutionalitate_CC_2021.pdf.

¹⁴ It is worth noting that this last cause of inadmissibility differs from that in Romanian legislation, where it is stipulated that legal provisions that have already been found by the Constitutional Court to be contrary to the Constitution, through a decision admitting the exception of unconstitutionality, cannot be anymore subject to constitutional review.

the basis of Law No. 47/1992 on the Organization and Functioning of the Constitutional Court, the Romanian Constitutional Court examines the admissibility of an exception of unconstitutionality through the same decision by which it also rules on the substantive issue concerning the compatibility of the legal provisions under review with the texts and principles¹⁵ contained in the Basic Law, if it finds that the exception satisfies the specific admissibility requirements. In other words, the Court renders only one decision in which it firstly analyzes the admissibility of the exception of unconstitutionality and then rules on the merits, if it meets the conditions provided for in Article 29 of Law No. 47/1992

It is true that an initial filter is represented by the judicial court before which the exception of unconstitutionality is raised, since that court is obliged to verify compliance with the conditions provided by Article 29 paragraphs (1)-(3) of Law No. 47/1992 and to reject requests for referral to the Constitutional Court that fail to meet these requirements. Judicial courts must verify whether the contested legal text is part of a law or of a Government ordinance in force that is relevant to the settlement of the case, whether the exception of unconstitutionality was raised at the request of one of the parties or of the prosecutor - where the latter participates in the proceedings - and whether the unconstitutionality has not already been established by a previous decision of the Constitutional Court.

The judicial court before which the exception of unconstitutionality was raised is limited to examining only those grounds of inadmissibility expressly provided by Law No. 47/1992. If none of these grounds is found to exist, the court is obliged to refer the exception to the Constitutional Court for adjudication¹⁶. Examining the exception through the lens of the public-order nature of inadmissibility grounds and of its role as guarantor of the supremacy of the Constitution, the Constitutional Court has the competence to assess the admissibility of such exceptions raised in concrete judicial disputes¹⁷, and may therefore reject an exception as inadmissible even though it has passed the first filter of the trial judge.

In its extensive case law developed over its 34 years of existence¹⁸, beyond the grounds of inadmissibility expressly provided by Article 29 of Law No. 47/1992, the Constitutional Court of Romania has inferred from the interpretation of those provisions additional grounds constituting decisive obstacles to the examination of exceptions of unconstitutionality¹⁹. In other situations, on the contrary, it has interpreted restrictively the applicability of certain inadmissibility grounds, consequently widening the parties' access to constitutional justice²⁰.

The present paper will discuss a series of situations falling into both categories, analyzed both from the perspective of the lawyer interested in broadening litigants' access to constitutional justice and from that of the constitutional practitioner concerned with focusing the Court's activity on the adjudication of admissible cases through the verification of the conformity of contested legal provisions with the Constitution and thereby channeling the Constitutional Court's efforts toward fulfilling its primordial role as defender of fundamental human rights and freedoms and of constitutional supremacy in the Romanian legal order.

Thus, a widely appreciated decision from the litigants' point of view was Decision No. 766/2011, by which the Court held that the phrase "in force" contained in Article 29 paragraph (1) of Law No. 47/1992 is constitutional insofar as it is interpreted to mean that laws, Government ordinances, or provisions thereof remain subject to constitutional review if their legal effects continue to be produced in certain cases even after they have ceased to be in force. In this way, the Court broadened the scope of acts subject to constitutional review, giving effect to the parties' interest in having their cases adjudicated on the basis of provisions consistent

¹⁵ See also, in this regard, Anghel E., *Principiile dreptului*, Universul Juridic Publishing House, Bucharest, 2025.

¹⁶ See also, on this topic, Benke K., Costinescu S.M., *Controlul de constituționalitate în România. Excepția de neconstituționalitate*, Hamangiu Publishing House, Bucharest, 2020, or Toader T., Safta M., *Ghid de admisibilitate la Curtea Constituțională a României*, Hamangiu Publishing House, Bucharest, 2016.

¹⁷ Barbu S.-G., Muraru A., Bărbățeanu V., *Manual de contencios constituțional*, 2nd Edition, C. H. Beck Publishing House, Bucharest, 2026, p. 110.

¹⁸ The Constitutional Court was established by the Constitution adopted in 1991 and began operating a year later. For details on the evolution of constitutional review, see Ene-Dinu C., „A century of constitutionalism”, in *Lex ET Scientia International Journal* no. XXIX, vol. 2/2023, https://lexetscientia.univnt.ro/download/2023_XXX_2_10_LESIJ.pdf.

¹⁹ The causes of inadmissibility of exceptions of unconstitutionality have been defined in the doctrine as representing legal reasons that prevent the initiation or extension of the procedure for reviewing the constitutionality of the law, which determine the legal limits of constitutional review by means of exception of unconstitutionality, being procedural consequences of the conditions imposed by law for raising this type of exceptions. (Muraru I., Constantinescu M., „Cauzele de inadmisibilitate în jurisdicția constituțională”, *Dreptul* nr. 2/1998, p. 3).

²⁰ Such as the requirement that the contested provision should be in force (see Decision no.766/2011).

with the Constitution, even where those provisions are no longer in force but remain applicable to the dispute in accordance with the legal principle *tempus regit actum/factum*.

Also advantageous for litigants is the situation in which an exception is dismissed as “having become inadmissible.” This type of solution is delivered when the Court has already issued an admitting decision in another case. The author whose exception, having the same subject matter, is adjudicated after the admitting decision will be able to request the revision of the judicial judgment rendered on the basis of the legal text declared unconstitutional. This concerns situations where, between the moment the exception is raised before the referring court and the moment it is adjudicated by the Constitutional Court in that particular case, the contested legal provision has already been declared unconstitutional through the admission, in a different case, of an exception concerning the same subject matter²¹.

Conversely, the Court has held inadmissible an exception of unconstitutionality raised in proceedings initiated exclusively for the purpose of creating the procedural framework necessary to invoke a particular exception of unconstitutionality²². Thus, for example, where the exception of unconstitutionality was raised in proceedings concerning the annulment of an administrative act, yet the claimant invoked no injury caused by the challenged administrative act but merely criticized the constitutionality of the normative act on the basis of which that administrative act had been issued²³, the Court held that the procedure of the exception of unconstitutionality had in reality been transformed into a genuine direct action for a declaration of unconstitutionality, contrary to Article 146 letter d) of the Constitution and Article 29 paragraphs (1) and (5) of Law No. 47/1992²⁴. In other words, since no injury caused by the contested normative act was alleged, admitting the exception of unconstitutionality would have had no consequences regarding the resolution of the case pending before the judicial court, and therefore the exception had to be dismissed as inadmissible.

The requirement that the contested legal provisions be connected to the settlement of the case has also led the Court to declare inadmissible those exceptions of unconstitutionality raised in actions that were *ab initio* inadmissible, because regardless of the solution adopted by the Constitutional Court on the exception raised in such proceedings, its decision would produce no effects with respect to the underlying case²⁵. Nevertheless, the exception may be examined on the merits where the very legal provisions determining the inadmissibility of the action are contested.

The Court has also held inadmissible exceptions of unconstitutionality directed against legislative omissions, namely situations in which the authors of the exceptions are dissatisfied with the absence, from the contested provisions, of certain legislative solutions they consider necessary. The Constitutional Court has emphasized that it cannot substitute itself for Parliament, where provisions of a law are concerned, or for the Government, in the case of Government ordinances, thereby transforming itself into a positive legislator²⁶. However, insofar as the legislative omissions criticized possess constitutional relevance, the Court will examine the exception of unconstitutionality²⁷ and may even adopt solutions capable of remedying legislative deficiencies liable to infringe rights, freedoms, or constitutional principles enshrined in the Fundamental Law²⁸.

Another ground of inadmissibility not expressly provided by Law No. 47/1992, but inferred from the Constitution itself - which delineates the competences of ordinary courts and those of the Constitutional Court - is derived from the way the referral is formulated. Where the constitutional criticism is in reality directed against the interpretation and application of the law in the specific dispute, rather than against the normative content of the legal provisions subject to constitutional review, the exception is dismissed as inadmissible²⁹. Throughout

²¹ Barbu S.-G., Muraru A., Bărbăţeanu V., *op.cit.* p. 113.

²² See, for instance: DCC nr. 92/1998, DCC nr. 185/2006 or DCC nr. 376/2014.

²³ Regarding the administrative contentious procedure, see Ştefan E.-E., *Drept administrativ, Partea II-a. Curs universitar*, 4th Edition, Universul Juridic Publishing House, Bucharest, 2022, and Cliza M.-C. and Ulariu C.-C., *Drept administrativ. Partea specială*, C. H. Beck Publishing House, Bucharest, 2024.

²⁴ DCC nr.292/2016 (M.Of. no. 514/2016).

²⁵ DCC nr.386/2019 (M. Of. No.867/2019).

²⁶ DCC 6/2000 (M.Of. 127/2000), DCC 152/1999 (M.Of. 3/2000), Varga A., *Eficienţa excepţiei de neconstituţionalitate şi efectele sale asupra legiferării*, in E.S. Tănăsescu (coord.), *Excepţia de neconstituţionalitate în România şi Franţa*, Universul Juridic Publishing House, Bucharest, 2013 p. 214.

²⁷ For further details, see Bărbăţeanu V., „Influenţa jurisprudenţei Curţii Constituţionale asupra ansamblului normativ. Privire specială asupra problemei omisiunilor legislative”, *Dreptul* no. 5/2012.

²⁸ DCC no.454/2020 (M.Of. nr. 655/2020), DCC nr. 503/2010 (M.Of. no. 353/2010), DCC nr. 349/2001 (M.Of. no. 240/2002), DCC nr. 279/2006 (M.Of. nr. 323/2006) sau DCC nr. 604/2008 (M.Of. nr. 469/2008).

²⁹ See, for instance, DCC nr. 687/2020 (M.Of. no. 1130/2020).

a consistent case law³⁰, the Court has emphasized the exclusive competence of judicial courts to resolve issues concerning the interpretation and/or application of the law, holding that such operations do not fall within the scope of constitutional review exercised by the Constitutional Court but belong exclusively to the court adjudicating the merits and, where appropriate, to appellate courts, as follows from the combined provisions of Article 126 paragraphs (1) and (3) of the Constitution.

Pursuant to Article 2 paragraph (3) of Law No. 47/1992, the Court rules only on the constitutionality of the acts with respect to which it has been seized, not on the manner in which the law is interpreted and applied in concreto to a specific case. In this respect, the Court has stated that it possesses exclusive competence to interpret the reference norm, namely the Constitution, while the interpretation and case-specific application of the norms subject to constitutional review are carried out solely by ordinary courts under Article 126 paragraph (1) of the Constitution³¹. For legal provisions to become subject to constitutional review in the interpretation given to them by judicial courts, such interpretation must either be a binding interpretation provided by the High Court of Cassation and Justice through preliminary rulings or rulings on appeals in the interest of the law³², or a constant, systemic judicial interpretation enjoying a certain level of acceptance in judicial practice³³.

A ground of admissibility that falls within the Constitutional Court's own analysis, rather than that of the trial judge, even though the latter acts as a first filter for exceptions of unconstitutionality, concerns the absence of the author's procedural interest in raising the exception. As noted in legal scholarship³⁴, the interest in invoking an exception of unconstitutionality is determined by verifying the pertinence and relevance of the exception in relation to the dispute submitted for adjudication and to the legal norms applicable to the case. For instance, the Court held that it could not uphold a criticism raised by a defendant in criminal proceedings where the argument had in fact been invoked in the interest of the defendant's lawyer. The author of the exception of unconstitutionality must demonstrate a personal interest in challenging the constitutionality of a legal provision³⁵.

Finally, it should be recalled that, pursuant to Article 10 paragraph (2) of Law No. 47/1992, referrals addressed to the Constitutional Court must be reasoned. In this regard, the Constitutional Court, through its case law³⁶, has outlined an inherent and intrinsic structure applicable to any exception of unconstitutionality. This structure comprises three elements: the legal text contested from the perspective of constitutionality; the constitutional reference text(s) allegedly violated; and the presentation by the author of the exception of arguments demonstrating the contradiction between the two, in other words, the reasoning underlying the alleged unconstitutionality of the contested text. The Court noted that the reasoning itself, as an element of the exception, is not necessarily a material or quantitative criterion but results from the interplay of the first two elements. Consequently, the material substance of the reasoning is not a sine qua non condition for the existence of the exception. Under these circumstances, the Court held that where the constitutional reference text invoked is sufficiently precise and clear to enable the Constitutional Court reasonably to identify the existence of a minimal constitutional criticism, it is obliged to examine the exception on the merits and therefore to consider that the author has complied with and included in the exception the three aforementioned elements.

5. Conclusions

In conclusion, alongside the particularly important role played by the trial's judicial judge in examining the admissibility of exceptions of unconstitutionality, we believe that the introduction of a filtering procedure directly at the level of the Constitutional Court would be useful. The triangular relationship established between the party to the proceedings who invokes - ultimately in his or her own defense - an exception of

³⁰ DCC no. 838/2009 (M. Of. no. 461/2009), DCC no. 504/2014 (M. Of. no. 941/2014), DCC no. 218/2019, (M. Of. no. 609/2019) sau DCC no. 807/2019 (M. Of. no. 48/2020).

³¹ See Boghirnea I., The interpretation - obligation for the judge imposed by the application of the law, in *Journal Legal And Administrative Studies*, Year XVII, no. 2 (19) 2018, https://www.upit.ro/_document/31012/jlas_2_2018_r.pdf;

³² Krupenschi C.M., Evoluția jurisprudențială în materia controlului de constituționalitate asupra unei dispoziții legale în interpretarea dată printr-o decizie pronunțată într-un recurs în interesul legii, in *Buletinul Curții Constituționale* no. 2/2013. See also Ene-Dinu, C., „Constitutionality and referral in the interests of the law”, in *Lex ET Scientia International Jzournal* no. XXIX, vol. 1/2022, https://lexetscientia.univnt.ro/download/2022_XXIX_1_6_LESII.pdf.

³³ DCC no. 276/2016 (M. Of. no. 572/2016), DCC no. 841/2015 (M. Of. no. 110/2016) sau DCC no.606/2022 (M. Of. no. 337/2023).

³⁴ Muraru I., Vlădoiu N.M., *Contencios constituțional. Proceduri și teorie*, 2nd Edition, Hamangiu Publishing House, Bucharest, 2019, p. 181-182.

³⁵ DCC nr. 1519/2011 (M.Of. no. 67/2012).

³⁶ See, for instance, DCC nr. 1313/2011 (M.Of. no. 12/2012) or DCC no. 167 /2019, (M.Of. no. 396/2019).

unconstitutionality, the referring court (the a quo court), which carries out a prima facie examination of admissibility and, if it finds the statutory conditions fulfilled, refers the matter to the Constitutional Court, and the court a quem, namely the Constitutional Court itself, certainly involves an analysis of admissibility. However, this mechanism does not appear sufficiently effective to enable the Constitutional Court to fully accomplish its mission by dedicating itself primarily to the substantive examination of constitutionality. Therefore, a more rigorous selection of inadmissible cases, preventing them from unnecessarily burdening the docket of the Constitutional Court, could represent a solution contributing to the safeguarding of constitutional supremacy by allocating more time and resources to reflection upon the substantive constitutionality of the legal provisions challenged through exceptions of unconstitutionality.

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