



# R O M Â N I A

## CURTEA CONSTITUȚIONALĂ

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### **Extract from the release of the Constitutional Court of Romania dated 16 January 2019 that decided that the protocols signed by Laura Codruta Kovesi are illegal<sup>1</sup>**

The Plenum of the Constitutional Court, invested pursuant to the provisions of art. 146 letter e) of the Constitution and of art. 11 par. (1) line A letter e), as well as of art. 34, art. 35 and art. 36 of Law no. 47/1992 on the organization and functioning of the Constitutional Court, has also ruled on the request related to the settlement of the legal conflict of a constitutional nature between the Public Minister – the Prosecutor's Office attached to the High Court of Cassation and Justice, on the one hand, and the Parliament of Romania, the High Court of Cassation and Justice and the other courts of law, on the other hand, triggered by the signing of two protocols between the Public Minister – the Prosecutor's Office attached to the High Court of Cassation and Justice and the Romanian Intelligence Service, request filed by the President of the Chamber of Deputies.

The Constitutional Court decided with a majority vote:

1. Admitted the intimation and ascertained the existence of a legal conflict of a constitutional nature between the Public Minister – the Prosecutor's Office attached to the High Court of Cassation and Justice and the Parliament of Romania, on the one hand, and the High Court of Cassation and the other courts of law, on the other hand, generated by the conclusion between the Public Minister – the Prosecutor's Office attached to the High Court of Cassation and Justice and the Romanian Intelligence Service of Protocol no. 00750 dated 4 February 2009, as well as by the non-corresponding exercise of the parliamentary inspection over the activity of the Romanian Intelligence Service.

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<sup>1</sup> <https://www.ccr.ro/comunicate/COMUNICAT-DE-PRES-599>

2. Admitted the intimation and ascertained the existence of a legal conflict of a constitutional nature between the Public Minister – the Prosecutor’s Office attached to the High Court of Cassation and Justice and the Parliament of Romania, on the one hand, and the High Court of Cassation and Justice and the other courts of law, on the other hand, generated by the conclusion between the Public Minister – the Prosecutor’s Office attached to the High Court of Cassation and Justice and the Romanian Intelligence Service of Protocol no. 09472 dated 8 December 2016, only related to the provisions of art. 6 par.(1), art. 7 par.(1) and art. 9, as well as by the non-corresponding exercise of the parliamentary inspection over the activity of the Romanian Intelligence Service.

3. The High Court of Cassation and Justice and the other courts of law, as well as the Public Minister – the Prosecutor’s Office attached to the High Court of Cassation and Justice and the subordinated units – will check, in pending causes, to what extent the breach of the provisions occurred related to the material competence and the capacity of the person of the criminal prosecution body and shall dispose the corresponding legal measures.

The decision is final and generally binding and will be communicated, pursuant to art. 36 of Law no. 47/1992, to the President of the Chamber of Deputies, to the Public Minister – the Prosecutor’s Office attached to the High Court of Cassation and Justice, the Parliament of Romania and to the High Court of Cassation and Justice.

III. On the same day, the Plenum of the Constitutional Court, invested according to art. 146 letter I) of the Constitution and to art. 27 par. (1) of Law no. 47/1992 on the organization and functioning of the Constitutional Court, has debated the non-constitutionality notifications related to the Decision of the Parliament of Romania no. 37/2018 regarding the appointment of the members of the Board of the Financial Supervisory Authority, notifications filed by the Parliamentary Group of the Party Uniunea Salvați România within the Chamber of Deputies and by the Parliamentary Group of the National Liberal Party within the Senate.

Ascertaining the object identity of the two notifications, the Constitutional Court disposed the joinder of the cases.

Following deliberations, the Constitutional Court, with a majority vote, denied the non-constitutionality notifications and ascertained that the Decision of the Parliament of Romania no. 37/2018 regarding the appointment of the members of the Board of the Financial Supervisory Authority is constitutional related to the criticisms formulated.

The decision is final and generally binding and will be communicated to the two Chambers of the Parliament.