

Magistrate Danilet: CCR becoming political actor, straying from initial purpose of Constitution

Magistrate Cristi Danilet has declared on Wednesday that in the last years the Constitutional Court of Romania (CCR) has become a "political actor" and "strayed from the initial purpose of the Constitution".

Cristi Danilet, proposed by Save Romania Union (USR) for the position of magistrate within the Constitutional Court, over the current chairman of CCR, Valer Dorneanu, whose term will expire, is being audited on Wednesday in the legal select committee of the Chamber of Deputies.

"In the last years, CCR has become a political actor and I believe that it has strayed from the initial purpose of the Constitution. I say this because, when we are interpreting the country's Constitution, we must refer to the will of constituent power since 1991 and things which are still in force, as well as parliamentary works of 2003, when the Constitution was reviewed. In 2003 this task was created by CCR to solve constitutional conflicts between authorities and I believe that what the lawmaker wanted was not even close to replacing political will. I believe that when we have organisms, institutions, political authorities, these, through negotiations and through political attitude, must solve their problems, not to go with them to the CCR. I am for a limitation of the CCR's powers. Of course, only by jurisprudential way, because we have a jurisprudential way of the CCR which defines exactly what a legal conflict of a constitutional nature is," Danilet specified.

He said that in the event in which CCR declares that a law is not in accordance with the Constitution, when it regulates in an area which is linked to the European Union, the judge must disregard that Court's decision.

"There are three decisions, from 2018, 2020 and 2021, of the Court of Justice of the European Union, which explain how we interpret the law of the European Union. Namely: The Romanian judge is the first European judge, he/she is obligated to apply the treaties and other mandatory normative acts. The decision through which the Cooperation and Verification Mechanism is mandatory for Romania and its effects will cease when it will be repealed. Even if CCR declares that a law is in accordance with the Constitution, when it is regulated in a sector that is tied to the European Union, then the European judge, according to the CJEU, needs to disregard CCR's decision, to apply the European law directly," Cristi Danilet explained.

The magistrate said that he wants more transparency of CCR's activity.