A Scene without Actors? Romanian Parliament’s Role in Policy-Making
Abstract

The paper analyzes parliamentary rules in Romania, since 1990 until 2004, in order to account for the role assigned to the Parliament in the policy-making process. It aims to capture the successive changes in the legal framework concerning this topic, taking into account the perceived gap between the formal powers of the Romanian Parliament and the actual strength it has enjoyed on the political scene. The main question addressed – “what has been the structure of opportunities for parliamentary involvement in policy-making?” – reveals an underlying goal of the study. The analysis is particularly interested in the role assigned to party groups in this process and focuses on parliamentary rules that allow parties to act as veto players and achieve their policy goals.

The findings show that, in what concerns policy-making, in most of the cases changes aimed at making the Romanian Parliament more effective, rather than fulfilling partisan goals. Most changes were directed towards rationalizing parliamentary activity by describing in a very detailed manner the procedures applicable in various circumstances, by clarifying the relationships between different parliamentary structures through the description of their prerogatives, and by setting strict deadlines for all stages of the legislative process. Parliamentary activity is progressively standardized, increasing the predictability of parliamentary proceedings and of the legislative process.

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Introduction

The study focuses on the legal framework that regulates the role played by the Romanian Parliament in the policy-making process, paying a special attention to parliamentary rules\(^1\). It analyzes both the parliamentary Standing Orders (SOs) and the Constitution in order to capture the successive changes in the legal framework during the postcommunist period.

The main question addressed by this study is the following: what has been the *structure of opportunities* for parliamentary involvement in policy-making in Romania, since 1990 until 2004? In addition, three more questions could be raised in order to clarify the research objectives. Going beyond the constitutional framework, what exactly are the legal provisions that offer the Parliament real opportunities to be a veto player in policy-making? Does the Romanian Parliament have the formal / legal tools to participate actively to the policy-making process? Are the political actors (parties and parliamentary groups) the only responsible for the role played by the Parliament, a role which is often perceived as marginal? Such questions also reveal the underlying goal of the study, the analysis being particularly interested in the *role assigned to party groups* in the legislative and policy-making process. It focuses on parliamentary rules that allow parties to act as veto players in these processes and achieve their policy goals.

The study covers four legislative terms, 35 changes in parliamentary rules and two constitutional texts\(^2\), since the first freely elected Parliament after the fall of communism (1990) until the official closure of the negotiations with the European Union (2004). The study of the constitutional framework is particularly relevant because of the changes operated in 2003 concerning the legislative function of the Parliament\(^3\).

The starting point of the study is the perceived gap between the formal powers of the Romanian Parliament and the actual strength it has enjoyed on the political scene. It is the first step for a wider analysis concerning the strength of the Parliament as an actor of the policy-making process, bearing in mind the negative image it has acquired during the postcommunist period form this point of view. One of the questions that could be further investigated, based on this kind of analysis, is the following: how relevant are the legislative shortcomings or inconsistencies for the role played by the Parliament, a role which is perceived as marginal?

At first sight, the lack of clarity of constitutional provisions concerning the prerogatives and the relations between the legislative and the executive power, as well as the choice of perfect bicameralism are the main explanation for the marginal role that the Parliament has played in the political system. Nevertheless, this assumption has been insufficiently investigated until now.

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\(^1\) This study is part of an undergoing boarder research project dedicated to identifying the political and institutional factors that influence the policy-making role of the Romanian Parliament. That project is based on a database with all the laws adopted since 1990 until 2004, the legislative process of which is thoroughly analyzed in order to account for the above-mentioned influences.


\(^3\) The analysis has also taken into consideration all the legal provisions concerning the rest of the relevant institutional actors that participate to the policy-making process in Romania. This research strategy has a particular relevance for assessing as accurately as possible the position occupied by the Parliament at a systemic level.
It should be mentioned, from the beginning, that this analysis is based upon the conviction or, at least, on the assumption, that the legislative function of the Parliament offers it an important role to play in policy-making. Regardless of the number of political and institutional actors that participate to this process and the specific prerogatives that the parliamentary institution enjoys, the law represents the real background of all public policy – given that it is placed at the top of the hierarchy of all legal acts. To a certain extent, the policy-making process is juxtaposed on the legislative one. Irrespective of its actual policy-making power, which varies from case to case, the parliamentary institution is acknowledged even by students of public policies as one of the main official policy makers, together with the government (Anderson 1990).

There is, of course, a series of multiple factors that influence the strength of parliamentary institutions in policy-making. This paper focuses on such a narrow topic such as parliamentary rules, but fully acknowledges the relevance of other elements in determining the policy-making power of Parliaments. Going beyond the specificities of institutional arrangements and party system features, at least two phenomena need to be taken into account when studying these institutions. First, it is the progressive loss of parliamentary power, during the 20th century, in favor of the executive branch of the government. Such loss is especially visible in the policy-making area. Second, it is the enormous policy pressure undertaken by postcommunist Parliaments during transition, consolidation and during the European accession processes.

Therefore, studying the changes of parliamentary rules in Romania over such a long period of time offers various advantages. First, it reveals the progresses made in organizing (rationalizing) parliamentary activity and achieving institutionalization, during the postcommunist period. Second, it reveals the efforts made by the parliamentary institution to increase efficiency in dealing with the ever-growing policy pressure it has been submitted to. Third, it reveals the steps taken in defining its internal procedures in order to compensate the unclear balance between the legislative and the executive powers in the Romanian political system. Fourth, it accounts for the changes in parliamentary rules influenced by the political factors, namely the efforts made by the parliamentary institution to insure a proper functioning, given the heterogeneous and quite volatile partisan setting it had to operate in. Furthermore, a special attention is given to investigating one of the most important changes of parliamentary procedures in Romania, that took place after 2001, which is said to have transferred the decision making power from the floor to committees.

**Theoretical Framework**

The theoretical resources used for this analysis of parliamentary rules in postcommunist Romania are twofold: the literature concerning the policy-making role of Parliaments is combined with studies about the political and institutional features of postcommunist systems. The aim of this section is to point to the main research areas that are considered to be essential to a policy-oriented analysis of the parliamentary rules.

The choice the theoretical resources included in this section is powerfully influenced by the policy-making approach of this research. Although the empirical data is limited to parliamentary and constitutional rules, the theoretical approach focuses only
partially on institutional design. The main reason is that in order to assess thoroughly and accurately the development of an institution, the (Romanian) Parliament included, it is necessary taking into account all its functions, internal structures and rules. Moreover, this analysis is limited to policy-making, an even narrower area than law-making; therefore it would be inappropriate for judging the parliamentary institution as a whole.

The extensive focus on post-communism is determined by the need to account as accurately as possible for the impact of the historical context on parliamentary life, form both a political and institutional point of view. Given the diachronic type of data analysis (1990-2004), post-communism is a valuable context for assessing institutional change.

The approach used by this study considers that policies designed by/within an institution are influenced by the traits of that institution; therefore institutional design is relevant for policy-making (Doring 1995, Zieldonka 2001). Meanwhile, the analysis acknowledges the overspread conviction that Parliaments play only a limited role in policy-making and their powers are, most often, purely formal and legal. Their role is rather one of legitimizing tools for public policies rather than one of active involvement as veto players (Smith 1976). Nevertheless, such conviction does not challenge the usefulness and the pertinence of studying different parliamentary institutions in order to assess their involvement in policy-making.

The works of Michael Mezey, Philip Norton and David M. Olson (Olson and Mezey 2004, Olson and Norton 1996) represent the background of the theoretical approach used by this paper. These authors have designed an analytical framework that takes into account general political system traits (the environment in which Parliaments function and public policies are created), the traits of the parliamentary institution and the traits of the public policies themselves (which are influenced by and may influence institutional performance). This research design is particularly useful for the analysis of parliamentary rules because it provides the most comprehensive tool for understanding the context in which parliamentary rules are designed and used by political actors in order to fulfill their goals. Furthermore, this framework has already been applied to the CEECs covering the first five years of transition, providing a special and more accurate tool for the analysis of a postcommunist Parliament.

The first type of factors refers to the external environment. It represents the sum of factors that create the setting in which the policy-making process takes place and the Parliament functions. According to Mezey, Olson and Norton, these are: the constitutional setting (type of regime), the party system, the electoral system, the administrative structure (decentralized vs. centralized) and the interest groups (civil society). Each of these factors influence the way the political system faces transition and consolidation and they also affect the development of the parliamentary institution in itself. Meanwhile, the constitutional setting and the party system are the most relevant for the present research.

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4 There is, of course, a specific literature addressing the causes and consequences of various institutional designs, as well as the factors influencing institutional development. Although its relevance is not contested, the proposed approach is considered to be more appropriate to the purposes of the present analysis.

5 Meanwhile, the impact of European Union accession process is weak enough to allow the exclusion of Europeanization form the analytical framework.

6 By the same authors (Olson and Norton 1996).
For example, in the CEECs, the constitutional/institutional setting was completely renewed and during the first years of transition it has been subject to important reassessments and challenges. In Romania, the new constitution was adopted only at the end of 1991, one year after and a half after the first freely elected Parliament started its work. The lack of clarity concerning the definition of the constitutional powers of the legislative and of the executive branch, as well as their mutual relationship was constantly the object of criticism (Sartori 2002). Even after the 2003 constitutional revision, it is still considered one important cause of the poor performance of the system, including the policy-making process. The status of the Parliament within the system has never been a significant one, arguments in favor of its strength being difficult to trace even during the first years of transition, when the “centrality” thesis was crafted in/for East Central Europe (Agh 1994, 1997, 1999). The Romanian Parliament is considered a relatively weak one, constantly submitted to the executive, be it in the name of the democratization reforms or in the name of the accession to European Union (De Waele 2003).

Meanwhile, the traits of political parties and of the party system are usually considered the key factor of the policy-making process, an approach that has at least two consequences for the present analysis. First, it justifies the attention given to party groups in parliamentary activity, since they are the major players inside the institution (Heidar 2000). Furthermore, the relevance of their political and policy goals for parliamentary activity is not justified by their simple “presence” in the Parliament, but by the central role parties play in policy-making. Second, it justifies the attention given to the impact that they might have on the development of the parliamentary institution itself, since they “use” it to attain their goals.

During periods of institutional-building the policy impact of political parties can be considerably higher. In postcommunist countries, there is equally an extensive literature dedicated to the importance of political parties for the transformations that these countries underwent, especially in what concerns democratization and institutionalization (Lewis 2001, White 2007). Romania is no exception to the rule, the impact of political parties’ development on the system’s general performance being easier to acknowledge, because the pace and the quality of their maturity and institutionalization have been relatively slow and poor. Both fragmentation and volatility have dominated the party system, the governmental process and parliamentary life for at least 10 years, with visible consequences for the system’s performance.

Apart from the policy impact of parties on legislation and on the institution as a whole, legislative studies also focus on the relationship between the three components of a party – the party in parliament, the party in government and the party bureaucratic leadership (Heidar 2005, Smith 1976). This relationship is particularly challenging during the institutionalization of the party system and of the Parliament itself.

The second type of factors refers to the internal environment, namely the parliamentary institution. It refers to MPs (professional and political experience), parliamentary parties (party system in the legislature, decision making process and relationships with the party-outside-the parliament), committees (strength, quality of staff), chamber organization (standing orders, resources, autonomy in setting the agenda) and constituency relations. For example, Becker and Saalfield (2004) illustrate clearly
that parliamentary procedures influence the features and dynamics of the legislative process (Van Biezen 2000).

During post-communism, each factor faces serious challenges/deficiencies: MPs lack political experience and the necessary skills to participate in the political, governmental and policy-making process (Olson and Norton 1996), parliamentary party groups lack the discipline necessary to act as real actors on the parliamentary arena (either in power or in opposition), committees lack the expertise to fulfill their advisory and scrutinizing tasks, procedural regulations are incomplete and confuse and MPs’ relation with their constituency is quasi-inexistent (Olson 1998, Agh and Ilonszki 1996).

Such assertions are applicable to the Romanian case for longer or shorter periods of its postcommunist history, but most of such issues could be considered solved until 2000. The major democratic “breakthrough” in parliamentary life and practice occurs after 1992, when both chamber organization and parliamentary partisan life stabilize significantly. It is also after 1992 (following the adoption of the first constitution in 1991) that the Parliament starts to make full use of its initiating and scrutinizing powers. Meanwhile, the legislative function seems to be used extensively and such use increases year by year. Nevertheless, such high level of activity never seems to have been accompanied by an increase in strength or efficiency of the parliamentary institution (De Waele 2003). There is a paradoxical connection between the extensive usage of the legislative function, placing the Parliament at the core of the governmental process, and the marginal position it occupies in the system given the dominance of the executive over the policy-making process (Sartori 1987).

In what concerns one of the key actors of parliamentary activity – the committees – the Romanian Parliament has a “delegative” type of committee, these structures acting as agents of political parties in the legislative/policy process, rather than simple deliberative “arenas” (Maatson and Strom 2004). Moreover, in Romania, it can be said that committees have evolved from the “arena” towards the “delegative” type, towards the end of the period analyzed by this paper. Regardless of parliamentary rules change, this shift is explained by the progressive professionalization of MPs and of the committee staff, allowing them to express more authoritative opinions in policy-making.

The third type of factors refers to the attributes of public policies: their content, the dynamics of the process, as well as the circumstances under which legislation is crafted. For example, there are policy areas that are more susceptible to undergo extensive bargaining processes than others, leading to more powerful conflicts. They occur regardless of the institutional context in which they take place; although its features can influence their development or even their outcome. The postcommunist context imposes a specific list of topics that need to be addressed, given the simultaneous reforms in all policy areas. Such reforms include the constitution-making / institution-building processes (the new rules of the game) which influence directly parliamentary rules design.

As it could be seen form this brief overview, there is a wide range of factors that exercise a direct influence on internal rules design, institutional functioning and institutionalization. The development of the Romanian Parliament is a function of all of them, although their relevance varies.

Another type of approach, that is useful to parliamentary rules analysis and has already been mentioned very briefly above, is based on the type of regime that a country
has. According to numerous studies the type of regime influences directly the internal functioning of the main institutions and the behavior of political actors. Consequently, the difference between the presidential and the parliamentary regime can be traced, more or less accurately, at the level of parliamentary activity. For example, Michael Laver (2006) offers one of the most clear comparative analyses between “parliaments” (found in parliamentary regimes) and “legislatures” (found in presidential regimes). The internal organization and the role played by the two most important actors of the parliamentary scene – party groups and committees – is considered to be radically different from one regime type to another. In presidential regimes, MPs are quite free to act independently from their party groups (in terms of politics and policy). Party discipline is not one of the keys of a functional parliamentary institution. At least in terms of policy-making, the strength and the relevance of the Parliament within the system derive precisely form the MPs’ autonomy. The same applies to committees, the strength of which is closely related to the dispersion of political power of party groups. The more MPs have the opportunity to act freely on the parliamentary scene, the more likely is that the committees they belong to adopt policy positions that are not controlled by political parties. On the contrary, in parliamentary regimes the MPs, the committees and the whole Parliament reflect the political and policy goals of parties. Party discipline is vital for the functioning of the parliamentary institution. Legislative-executive relations depend on the stability and the viability of government coalitions. In turn, they depend on party discipline. In terms of policy-making, this means that MPs and committees need to follow the party line and act as tools for parties to achieve their political and policy goals.

Although there are criticisms against such a regime-based approach, it is still useful as a substitute for extensive explanations about the functioning of the Romanian Parliament. To a large extent, the traits of parliamentary institutions from parliamentary regimes overlap the main features of the Romanian Parliament - form both a political and an institutional point of view. This is quite interesting, taking into account the semi-presidential nature of the Romanian regime. However, it must be emphasized that the “assembly” type of regime (Sartori 2002) is the most appropriate for understanding by the internal functioning of the Romanian Parliament and the role it plays in the system.

After having reviewed all those topics, it is more appropriate include some comments about the issues of institutionalization or institutional change, in order to illustrate the approach used by this paper in what concerns them. These two phenomena are directly influenced by the features of the environment in which a Parliament operates. For example, as Petr Kopecky emphasizes (2001: 12) “any analysis of institutionalization must address the relationship and the character of the interaction between the relevant institution and its environment, as well as the implications of this interaction for the internal structure of the institution”. In the case of the CEECs both

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7 Assessing institutionalization is not among the core objectives of this research, although its relevance is undeniable for such an endeavor. The paper focuses strictly on change of parliamentary rules concerning the policy-making role of the Parliament. To a certain extent, it can be argued that it is not even a full account of institutional change, since it does not analyze a sufficient amount of information concerning the Romanian Parliament, as a whole.

8 There are another two aspects that are relevant for this kind of studies. First, “there are important change processes which occur even in mature institutionalized Parliaments. History does not end with institutionalization” (Longley 1996 : 24). Second, “while institutionalization can be said to be completed at some point, this does not mean an end to the institutional change or adaptation” (Kopecky 2001 : 15).
phenomena are further complicated by the transition and consolidation processes. Nevertheless, measuring and evaluating institutionalization is extremely difficult in the case of Parliaments, from both consolidated and transitional political systems. There are various but (still) highly disputed criteria used for assessing such phenomenon, most of the analyses dedicated to the CEECs being rather descriptive and based on impressions rather than on systematic measurement (Judge 2003). Or, as Judge says, “story telling continues to characterize” research on postcommunist Parliaments (Judge 2003: 510). Nevertheless, institutionalization studies provide useful insights for analyzing parliamentary activity and the functioning of parliamentary institutions. For example, in the case of committees, the more institutionalized a Parliament is, the more stable the relation between parties and committees the more autonomous committees are from political and institutional pressure. During the first years of transition, it is extremely difficult for MPs to adopt coherent policy positions at committee level, because of the lack of policy coherence and of the political volatility of their parties.9

One final comment is necessary concerning the use of the concept of veto player. This paper uses this concept as it was proposed by George Tsebelis (2002), namely that of a political and institutional actor whose agreement is necessary to change the policy status quo. However, an analysis of the parliamentary activity using Tsebelis’ framework is beyond the scope of this study.

**Data Analysis**

There are at least three axes around which data analysis can be structured: the stages of the policy-making (legislative) process, the main actors that are part of it and the changes that occurred in the legal framework. Given the degree of stability that characterizes the stages of the process, as compared to the other two criteria, data analysis is structured according to this criterion.

Before entering the analysis dedicated to the policy-making process, this section contains a few remarks about the general rules concerning Romanian parliamentary groups.

*The Parliamentary Groups*

In Romania, the party groups are present in all parliamentary structures and, through their leaders, in every decision-making mechanism employed at parliamentary level: establishing the agenda and the political configuration of committees, introducing amendments, choosing certain procedures during plenary debates, etc. Furthermore, all SOs use proportional representation as the principle for determining the political configuration of every parliamentary structure, and the majoritarian one for every decision-making procedure.10 It is important to emphasize that only negotiations among

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10 It should also be noted that the principle of proportional representation increases the relevance of the power – opposition cleavage in the creation of majorities for decision-making. Nevertheless, there are
party groups can alter the principle of proportional representation, allowing for distortions. Nevertheless, the result of such negotiation is temporary, being always subject to change if new agreements are closed down by party groups. The majoritarian principle can never, under any circumstance, be altered.

Consequently, party groups and party politics are not only \textit{de facto}, but also \textit{de jure} at the core of the activity of the Romanian Parliament. For example, it should be emphasized that the role played by party group leaders in establishing the political configuration of parliamentary structures (Standing Bureau, committees, etc.) may have significant consequences for the decision-making and the policy-making processes.

Although party groups have been recognized as parliamentary actors since 1990, a special section dedicated to parliamentary groups appears in the SOs only during the second legislative term (1992-1996). Their involvement in (and relevance for) the parliamentary activity is clearly stated in the first SO of the new Parliament. However, the second generation of SOs, adopted in 1993 (Senate) and 1994 (Chamber of Deputies), contains special sections dedicated to parliamentary groups. There are three types of information concerning party groups in the SOs: rules concerning their formation and functioning, rules about parliamentary migration and details concerning their resources. The attention given to those topics vary across time, according to their relevance for Parliament’s efficiency.

The rules concerning party group formation, although quite thoroughly defined form the first SOs, have been refined when the second generation of SOs has been, adopted (1993-1994), given the negative impact of the lack of party discipline and of high levels of inter-group volatility on parliamentary activity during the first years of transition. The Romanian case clearly illustrates the thesis of D.M. Olson about the fusion and fission that occurred on the parliamentary scene, leading to the birth of major political parties of the system. It is also illustrative for the incapacity of party leaders (form within or form outside the parliament) to maintain party discipline.

Therefore, the same applies to migration, explicitly forbidden by the second generation of SOs. Migration among groups was forbidden, as well as the setting up of new groups by parties that did not participate to elections (emerged on the parliamentary scene). The MPs that left a group did not have the right to join another one or to set up a new group. The more migration ceases to be an issue, with the progressive increase in party system stability, the less attention it receives. For example, after 2001, the new SO of the Chamber of Deputies eliminates the interdiction concerning migration, as well as the details concerning group organization. Nevertheless, the new SO of the Senate maintains this interdiction. Reducing the restrictions concerning migration, could be one example of change that serves better the interests of parties rather than those of the institution. However, migration had ceased to be an “issue” (danger).

This is a clear example of adaptation to external pressures exercised by the political environment on the parliamentary institution. During the first years of transition, it soon became obvious that the initial SOs needed to be amended in order to insure a normal functioning of this institution. Since political parties were incapable of insuring party discipline, this was to be maintained through tougher SOs.

\footnotesize{instances when SOs insures a special status for groups. Some decisions can be made without a majority of MPs consenting to it, the request of only one group being enough. The most frequent examples are found in the sections concerning the proceedings in plenary sessions.}
On the contrary, the rules concerning party group functioning and information about resources become more and detailed from one legislative term to another, since the nature of parliamentary activity becomes more complex and demanding. Party groups face more challenges not only at internal level, but also as actors of the parliamentary scene and the SOs need to regulate more and more complex situations. For example, after 2001 the new SO of the Senate introduces a series of details relating to the prerogatives of group leaders for the groups internal functioning.

There are at least two conclusions that can be drawn so far. First, party groups are central to parliamentary activity and they are present in all relevant structures and processes related to policy-making. The SOs insure a “perfect” structure of opportunities for their involvement in policy-making. Second, the changes in SOs were clearly motivated by increasing efficiency and predictability of parliamentary activity, as a direct response to external conditions (the political environment).

Initiating the Policy Process: Parliament vs. Government?

Both the MPs and the Government may initiate legislation and, from this point of view, the Parliament and the Government have always had an equal status. Furthermore, at parliamentary level, the right to initiate legislation is perfectly equal for all MPs. Every MP can initiate legislation, as long as he or she drafts a bill according to the formal (technical) criteria requested for all legislation. At this level, there is no difference between the MPs belonging to the power or to the opposition camps.

This phase is not even particularly interesting for this study, since the SOs merely restate the constitutional requirements concerning this stage of the process.

However, there is a whole series of institutional actors called to give assent to draft bills before they enter in the actual legislative process at parliamentary level, but they enjoy only an advisory not a veto power. Still, it is interesting to notice that according to the SOs that enter into force during the second legislative term, the assent given by the Government to MPs’ legislative proposals that involve financial costs is mandatory. The actual weight of its assent has increased in time, with the increase in number of draft laws submitted to the Parliament. The less time the Parliament had for a thorough analysis of each draft law, the more it tended to follow the Government’s advice on the legal relevance and policy feasibility of the proposal. Nevertheless, its power remains limited to giving assent and its real “weight”, rather informal.

One interesting provision can be found in the 2001 SO of the Chamber of Deputies, stating that the committees also enjoy the right to initiate legislation. The article, concerning amendments, states that “for the legislative proposals drafted by a committee, the amendments are to be presented to that committee” – which seems to indicate that such a prerogative is acknowledged by the parliamentary rules. Nevertheless, the procedure seems to have never been used (at least until 2004) and it is unlikely that it is compatible to constitutional provisions.

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11 It should be emphasized that the procedures concerning the real policy impact of draft bills, appeared after 2004.
12 It is more a matter of parliamentary customs.
No other variation in SOs has been identified concerning this stage of the legislative process, except for the changes due to the 2003 constitutional revision. The new constitutional text altered the decision-making power of the chambers. It gave final decision power to only one of the chambers, depending on the policy area that the draft bill belonged to. Consequently, each draft law is first analyzed by the chamber that lacks final decision power and then it is send to the other chamber for the final vote. At this stage, the only change that occurs in SOs is that draft bills are registered to only one of the chambers and the legislative process takes places consecutively, not simultaneously in both chambers.

All in all, this stage of the process has never been particularly visible or problematic in the Romanian parliamentary history after 1990\(^{13}\). Furthermore, the legislative framework itself has been continuously focused on the processes taking place at Government level, rather than on the parliamentary one. At that level, the lack of clear and detailed procedures has always led to a deficient outcome in terms of policy proposals.

**Setting the Agenda: The Standing Bureau vs. Party Groups**

The establishment of the agenda is one of the key stages of the legislative/policy-making process, both theoretically (Doring 1995, 2004) and in the Romanian case. Formally, the agenda of the Romanian Parliament is established automatically after the draft laws are registered to the chambers. Since the beginning, there has been a series of clearly defined procedures to be followed. Towards the end of the period under study, the procedures have been further refined by the introduction of various deadlines. Such procedures refer to both the committee stage as well as the plenary session proceedings, leaving, apparently, no room for maneuver to the Standing Bureau or other leadership actors (committee leaders, the Chairman of the Chamber, etc.).

Given the dominant position of the Romanian Government in drafting bills, it can be said that the Government is the real veto player in setting the parliamentary agenda (form both a legislative and a policy point of view). Nevertheless, the Parliament, the party groups or even individual MPs are far from being deprived of means of influencing the agenda. If not in terms of content, at least in terms of timing.

The Standing Bureau has had, from the beginning, the monopoly of establishing the agenda. As a general rule, the decision involves the parliamentary leadership (members of the Standing Bureau), party groups, committee leaders and the representative of the Government. The proposals for changing the agenda can be presented by the same actors. Following a proposal from the Standing Bureau, the final decision concerning the agenda is taken in plenary session, with simple majority of votes.

\(^{13}\) Although the amount of drafts initiated by MPs is not-negligible, the amount of laws (adopted drafts) is extremely low: less that 10% in 14 years. The Government heavily dominates the process, mostly because of the legislative delegation procedure. After the first 4-5 years of transition, the Government started to use this procedure extensively, or even excessively. The parliamentary practice shows that MPs usually initiate legislation individually or in small groups (5-7 persons). Until 2004, the rate of success was higher for group initiatives, with a clear advantage for the laws initiated by the MPs form the parliamentary majority. Nevertheless, except for the first years of transition, it is difficult to argue that the opposition initiatives have been severely hindered.
Such vote has usually only a formal value, since the chamber almost never rejects the draft agenda presented to it by the Standing Bureau.

Draft laws are included on the agenda upon arrival at the Standing Bureau, in this precise order. It should be emphasized that, ever since the first Standing SOs, a special attention has been paid to establishing clearer and more rigorous timetables in this area, in order to avoid delays. The nature of such delays was twofold: they are not only due to political interests concerning the “suitable speed” of the legislative process of a particular draft bill, but also to pure efficiency matters. At least during the first years, the high legitimacy of the Parliament as representative of the people, seems to be the used as an excuse for countless breaks of SOs provisions. A thorough examination of the laws being in the interest of the people, justified a series of delays or even procedural innovations. Such delays occurred during the committee and floor stage, rather than immediately after the registration. Nevertheless, the content and the timing of the agenda were altered, the Standing Bureau bearing most of the responsibility.

The variations in parliamentary rules, although minor, can be easier noticed when comparing legislative terms or chambers. During the first legislative term, the differences between the SOs refer to the absence, in the case of the Senate, of group leaders and of the Government representative form the agenda-setting process. The consultation of the Government representative is explicitly mentioned in the SO of the Chamber of Deputies since the first legislative term, while for the Senate this provision appears during the second one. During the second legislative term, another novelty is the concept of “weekly schedule” mentioned in the SO of the Chamber of Deputies, together with the “agenda”. When analyzing the efforts of the parliamentary institution to rationalize its activity and increase its efficiency, the “weekly schedule” concept seems to be an attempt to increase the predictability of parliamentary proceedings. However, the effort is rather unbalanced at institutional level, since this provision appears in the SO of the Senate only during the last legislative term (2000-2004).

The most significant changes in SOs appear after 2001, but they are only partially engendered by the constitutional revision. In 2001, the Chamber of Deputies creates a special structure for the establishment of the agenda, namely the Timetable Committee. This committee is formed by party group leaders, the Chairman of the Chamber being also its chair. Its role is to propose a draft of the agenda and present it to the Standing Bureau, which only has to decide upon it, without going through all the political negotiation that might sometimes accompany the drafting of the agenda. The most interesting aspect related to this new structure is the decision making mechanism, unique at parliamentary level in Romania. All decisions are taken by majority vote, the weight of the vote of each member being calculated according to the strength of each group in the chamber. The representative of the Government attends its sessions and, if necessary, certain committee leaders may also be invited to participate.

This amendment is one of the most visible “empowerments” of party groups that occurred in the SOs from a policy-making point of view (leaving aside constitutional changes). Although far form spectacular, it has a considerable potential of increasing the parties’ power in this process, given the role played by agenda-setting in policy-making.

After the constitutional revision (2003), the agenda setting mechanism underwent a series of changes, offering new prerogatives to the Standing Bureau. First, the Standing Bureau obtains the power to decide if the draft bills registered to its chamber belong to
the policy areas where this chamber enjoys decision-making power. Although those areas are specified in the Constitution, the complexity of certain draft laws generated debates concerning chambers prerogatives (more frequent immediately after 2003). If such conflict appears, it is the Standing Bureau that needs to make the final decision. Second, the Bureau may decide upon the emergency nature of certain draft laws. Third, it has the power to decide the deadlines related to the tacit approval procedure. According to the Constitution, if a chamber does not give the final vote in a certain number of days since the draft law has entered the parliamentary process, the law is considered adopted. The Bureau has decision-making power in at least three areas: defining the deadline (according to the complexity of the draft law), extending deadlines upon request of the committees and acknowledging that the tacit approval procedure has to be applied to certain laws due to the expiration of deadline. Although, theoretically, all such decisions are “guided” by the Constitution or by the SOs, the Standing Bureau enjoys significant power to influence agenda setting. The 2003 Constitution transforms the Bureau in a more powerful veto player than before. Although not always explicit, the power of the Standing Bureau lays in the details of the SOs and even in parliamentary customs. But it is far from negligible.

The changes occurred during this stage, after the constitutional revision, offer one of the best examples of efforts undertaken by the Parliament in order to overcome (compensate) constitutional weaknesses. The Constitution fails to regulate properly the processes taking place at the level of the Standing Bureau, generating a number of very serious problems. The SOs are the only tools available for preventing or solving those problems and it is one of the cases when the Parliament has shown willingness and capacity to properly address such key issues.

At this stage, three conclusions can be drawn. Party groups enjoy full control over the process, although their room for maneuver has been progressively limited by the details included in the SOs concerning this stage of the process. Although proportional representation insures fair representation of all relevant political forces in the Standing Bureau / Timetable Committee and in the decision-making process, the majority rule clearly favors the parties in power. Second, changes in the SOs have been motivated by efficiency reasons rather than by narrow partisan interests. Third, they are illustrative for the attempts to rationalize parliamentary procedures and to compensate the deficiencies of the legal framework. During this stage, the influence of external factors, as incentive for adjustments, is quite limited.

A Shift from Floor to Committees: A New Era in Parliamentary Life

Committees are seen by numerous authors as the most important veto players of the legislative process, if not of the policy-making process, as a whole. The importance assigned to committees is often linked to in depth knowledge of parliamentary processes, most of ordinary analyses focusing excessively on who drafts the bills and who votes them. Explanations for committee relevance are both inductive (empirical) and deductive (theoretical). Only committees have, at least at parliamentary level, the necessary

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14 Critics of the constitutional revision have painted a terrible picture of potential gridlocks.
expertise to analyze draft bills and (authoritatively) decide upon their faith. No other parliamentary structure benefits from the expertise of both the technical staff and that of MPs (who are usually selected by party groups according to their previous experience) in terms of specific policy areas.

In the Romanian case, committees enjoy significant power, *de facto* and *de jure*, although the exact balance between the two levels, as well as the accuracy of the image of their strength is often difficult to assess.

From an institutional perspective, this is the stage of the legislative process where the interaction between the executive and the legislative branch has the most significant impact on the content and the faith of the draft laws. First, both the Government and the Parliament have the right to present amendments.

One comment is necessary here. The Romanian Government benefits at this stage from a serious advantage: it may choose to impose a restrictive amendment rule by asking the Parliament to express its opinion without introducing amendments and deliberating upon a law or a package of laws. In this case, the Government enjoys a high blackmail potential. In case the Parliament chooses to adopt a censorship motion in response to this request, the Government’s mandate ends.

Second, at this stage, the Government representative participates in committee meetings to promote its interests (point of view). Regardless of the political composition of both branches of government, as well as that of the committee, the Government enjoys a privileged position in negotiations because of its superior level of policy expertise and because it has, at least *de facto*, the final say concerning the financial aspects.

From a political perspective, this is the stage where the policy preferences of parties are expressed and confronted. However, the relevance and the intensity of such negotiations at committee level is directly proportional to the importance assigned by political parties and other institutional veto players to the opinion expressed by the committee concerning draft laws. This is very well illustrated by the Romanian case, where the weight of committee opinion has changed significantly during the last legislative term (2000-2004).

This change is actually the most spectacular in terms of parliamentary procedures in Romania, except maybe for the 2003 constitutional revision. The most interesting aspect is that it is very difficult to be observed, when analyzing the SOs. At least in what concerns the committees, it is almost impossible to find evidence that would sustain what was observed in current parliamentary activity, after 2001. Actually, it is not the change of provisions concerning committees, but the one concerning proceedings in plenary session that increase the weight of committee opinion about draft laws. It is a true shift of the center of gravity of the parliamentary activity from floor to committees and although it happens during the same legislative term as the constitutional revision, it is not related to it. It occurs in 2001, with the adoption of the new SOs by both chambers.

One last aspect should be mentioned before presenting the changes that took place throughout the whole period, concerning committees. It refers to the way draft laws are assigned to committees for report, by the Standing Bureau. This procedure can be very important for the outcome of the policy process, in terms of content, of timing and of the faith of the bills. Although the decision is quite technical in nature, given that draft laws

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15 This aspect is thoroughly analyzed by Herbert Doring (2004: 142-168).
16 This “shift” is further explained in the section dedicated to plenary sessions.
are supposed to be sent to the committee that operates in the policy area they belong to, it can also be politically influenced. A series of draft laws may be sent to a certain committee, depending on the political interest to promote or to “kill” them (Chaisky 2005). The SOs are unclear enough in order to allow such political decisions.

The changes in the SOs concerning committees can be best summarized as follows: there is a clear effort to rationalize their activity, by introducing more and more details describing proceedings at committee level. For example, detailed definition of leaders’ prerogatives, the request for every committee to adopt a set of rules for its internal functioning, clear procedures concerning the relations between committees that are called to issue reports for the same draft law, as well as between the committee and the Standing Bureau, clear deadlines and procedures concerning amendments and reports on draft bills. As opposed to other parliamentary structures and stages, there is a clear difference between the SOs of the two chambers. In the case of the Senate, there is no information concerning the number and the object of activity of committees until 2000, the deadlines concerning reports being almost ignored (poorly defined). Actually, the timing of committee work receives special attention especially during the last legislative term, but mostly after the constitutional revision\textsuperscript{17}. There is, for example, a difference between the periods assigned for issuing a report by a committee of the chamber that has the final decision-making power and a committee of the chamber that only analyzes the bill.

The provisions concerning amendments – the key tool for both party groups and the Government to alter draft laws – are relatively stable across time until 2000. The most significant change occurs also after 2000. Before 2000, amendments needed to be presented 7 days before the debate in plenary session. Afterwards, the deadline is 3-5 days before the committee issues the report. The amendments and the committee opinion about them are included in the report sent to the floor. Such provision is very important for understanding the shift that occurred from floor to committees. Since the amendments are debated by committees and included in their report, the relevance of debate in plenary session decreases significantly. All relevant debate concerning amendments is consumed after the bill arrives at the floor. The amendments are also debated and voted in plenary session, but the committee level acts as a key filter for many unnecessary conflicts.

Another interesting provision that appears after 2001 is the obligation of the Government to give assent to any amendment that has financial impact. Although the SOs do not grant veto power to the Government, this mechanism could be seen as a supplementary filter for increasing the speed (or even the overall efficiency) of the legislative procedure. Both provisions concerning amendments increase the probability that only pertinent (feasible) amendments are subject to extensive debate.

In the case of the committees, conclusions can be summarized as follows. Party groups enjoy similar opportunities as in the case of the Standing Bureau and the process of agenda-setting, because proportional representation and majority rule are also used at this level. Nevertheless, the significant increase of committee power in the legislative/policy-making process has had a positive impact on the role played by parties. It can be argued that this change has deeper policy consequences than a simple shift form floor to committees. The main reason is the different nature of debate between the two levels. At floor level, the degree of coherence and accuracy of debates is considerable.

\textsuperscript{17} The tacit approval procedure is one of the main causes of the special concern for such technical aspects.
lower than at committee level, since the number of actors involved is higher and their background is so diverse. At committee level, the debate is more focused, given the limited number of participants and their similar policy expertise, allowing for party group representatives to express in a coherent and consistent manner their policy options. Irrespective of the balance between the policy and the political arguments raised during a committee debate, this debate is considerably more advantageous for party group goals. It is equally more advantageous in terms of policy and legislative efficiency. At floor level, the influence of party groups tends to be more diffuse. This way, it can be argued that in the Romanian case, this amendment of the SOs has had deeper consequences for party groups and for the policy-making process.

It is difficult to assess whether the change was made for pure efficiency reasons or was motivated by partisan goals. On the one hand, there is evidence that the efficiency of the process has increased since the length of the legislative process of a law is similar before and after 2001, although the workload increases dramatically. During the last legislative term (2000-2004) the Parliament adopted ~2700 laws, while in ten years, during the first three legislative terms, it had adopted only ~1700 laws. Furthermore, the lack of efficiency was one of the main criticisms addressed to the parliamentary institution over the years, most of the attention being directed toward the endless plenary debates\(^\text{18}\). Until 2001, the tormented political context has also had a negative impact on the capacity of the party groups and on that of the Parliament as an institution to act in a coherent and efficient manner in policy-making. On the other hand, it cannot be denied that parties would have liked to benefit from an increase in their policy-making power (influence). Ironically, such opportunity has presented itself when the party discipline was not a painful issue any more. From this point of view, this change seems to be less determined by external factors. Nevertheless, one last issue needs to be emphasized: the crucial factor that insured the success of this change in SOs was political will, combined with increasing political and institutional experience. The formal change was not deep enough to lead to such consequences in parliamentary practice.

**Plenary Sessions, the Final Vote and Promulgation**

Debates during plenary sessions, although important for parliamentary life are less relevant for the policy-making process, if the moment of vote is analyzed separately. Or, at least, debates could be considered less relevant for the purpose of the present analysis which focuses on the structure of opportunities for parliamentary (and partisan) involvement in policy-making. The procedural details concerning debates are not crucial in determining the faith of bills. The MPs’ or the groups’ opinions are either included in the committee rapports or in the amendments (already deposed), either they are relevant only in the moment of the actual vote.

Nevertheless, there are several aspects that need special attention. The main issue is directly related to the shift (previously mentioned) that occurred form floor to committees, after 2001. Although it became clearly visible during the last legislative term, it is difficult to assess to what extent this image was not distorted by the media, plenary debates being more accessible and also more interesting to broadcast.

\(^{18}\) Nevertheless, it is difficult to assess to what extent this image was not distorted by the media, plenary debates being more accessible and also more interesting to broadcast.
term, it must be emphasized that this is an ongoing process since 1990, part of the efforts to increase the efficiency of the parliamentary activity and to rationalize it.

The key in understanding this shift is the progressive suppression of opportunities for endless debates, through the clarification and standardization of procedures at this stage. At least three mechanisms are relevant from this point of view. First, both the Constitution and the SOs include progressively clearer and more numerous deadlines concerning the stages of the legislative process, which shorten the time available for endless debates. Second, the SOs include clearer provisions concerning the debates themselves, limiting the opportunities for the chamber leadership to extend the duration of debates by allowing extensive deliberations. According to the opinion issued by the committee (adoption, modification, rejection) the duration and the sequence of debates are restricted as much as possible. The debate ends as soon as the faith of the project is clarified.

Third, it is the emergency mechanism which is introduced since the second legislative term, shortening the duration of the process. However, it is only the Chamber of Deputies that actually includes in the SOs deadlines and special procedures for the emergency mechanism; the Senate only mentions it briefly. After 2001, an improvement can be observed also in this area, since the SOs explicitly lists all types of laws that are automatically analyzed following this mechanism. Before 2001, the decision belonged either to the Chamber either to the Government.

Concerning the voting procedure there are very few interesting aspects to emphasize. The Romanian Parliament employs three classical types of majority: simple, absolute and qualified (2/3). They are used for all types of possible decisions: the legislative process, parliamentary control over the executive (investment votes, motions) or decisions concerning the parliamentary activity (proceedings).

The only difference that can be identified across time is the one between the first legislative term (until the constitution was adopted) and the rest of the period. Before 1990, there was only one type of majority for all laws, namely the absolute majority. Afterwards, according to the Constitution, ordinary laws are adopted by simple majority, organic laws by absolute majority and constitutional laws by qualifies (2/3) majority. However, one comment might be useful. The Romanian case illustrates quite clearly that the symbolic weight of the vote in plenary session depends on the importance granted to the opinion issued by the committees. The more parliamentary customs tend to certify the importance of the decision taken at committee level, the less important the final vote is.

Promulgation has limited relevance for the present analysis, since it is rather the Constitution that regulates the process rather than the SOs. Nevertheless, it is relevant for understanding the formal status of the Romanian Parliament in the political system as well as its role in the policy-making process. Furthermore, the changes occurred in this area are not negligible. Two more actors are involved at this stage of the process: the President and the Constitutional Court. After the law is adopted by the Parliament, the MPs, the Government and the President can ask a constitutional control of the law. Before 2003, the assent given by the court was not mandatory for the Parliament: it could

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19 If the committee advises that the project is rejected, the deliberation ends after the debates about the general principles of the draft law are finished. Then the bill is submitted to vote.
20 Laws for constitutional revision.
21 The Court appears only after the Constitution is adopted.
decide with qualified majority (2/3) not to modify the law. Since the Constitution was revised, the assent is mandatory. Therefore, the powers of the Parliament have been diminished over time.

The President can, in his or her turn, ask the Parliament to revise the law, after the constitutional aspects were decided upon. Nevertheless, he or she enjoys only suspensive veto, a prerogative that has not changed since 1990 (it was included in the SOs even before the Constitution was adopted). From a legislative and policy point of view, the legislative enjoys final veto power over the executive branch, although this one dominates the first stage of the process (through Government intervention).

The changes in SOs concerning those last stages of the policy/legislative process illustrate very well the efforts made by the Romanian Parliament to increase its efficiency and to rationalize its activity. Meanwhile, those efforts affect directly and negatively the opportunities of party groups to influence both parliamentary proceedings and, to a certain extent, the policy-making process. The clearer, stricter and more standardized the proceedings in plenary sessions are, less opportunities have party groups to complicate the process and to alter the outcome of the policy process, during this stage.\(^{22}\)

Those changes also illustrate the impact of external factors on the parliamentary institution and on its evolution. First, it is the party system and the power-opposition relations that influence the efficiency of the deliberative process in plenary session. Second, it is the pressure of the environment (be it of other institutional and political actors, be it policy pressure\(^{23}\)) that led to change in this area.

**Conclusions**

From a strictly institutional and formal point of view, the Romanian Parliament enjoys an important position in the policy-making process. A detailed analysis of all decision-making mechanisms shows that the Parliament could dominate the process. This conclusion is important because it was drawn taking into consideration not only the general architecture of the system, but all procedural details involved in policy-making at legislative level. The powers granted by the constitutional texts have been thoroughly included in the SOs and therefore, such powers do not merely illustrate the Parliament’s “potential”. The analysis of the SOs shows that the Constitution has been interpreted so that the Parliament’s powers are not limited or hindered in any way, but they are usually “exploited” in its own advantage.

Furthermore, the thesis exposed by Agh (1996, 1997) or Olson (1998), according to which in early stages of transition, Parliaments enjoyed high opportunity and low capacity is only partially confirmed by the Romanian case. The Parliament has had both opportunity and formal capacity, although its capacity has certainly increased over time.

In what concerns policy-making, in most of the cases changes aimed at making the Romanian Parliament more effective, rather than fulfilling partisan goals. Actually, when comparing the formal powers that the Parliament enjoys in policy-making with its actual performance in the system, it seems that parties are the missing actor from the

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\(^{22}\) Endless debates lead to potentially countless different solutions.

\(^{23}\) For example, the European accession process increased the policy pressure (since reforms were needed in almost every policy area) and, consequently, the parliamentary workload.
picture. On the one hand, the political parties have represented, since the beginning, the real “engine” of the Romanian political system. But, on the other hand, they seem to have never made use of opportunity structure at parliamentary level to influence the policy-making process and its outcome. The “rubber-stamp” thesis (the Parliament acts only as a rubber stamp in relation with the Government) would be the easy answer in this case. The problem is that lack of willingness to use the Parliament as tool for achieving their policy or political goals is contradicted by the efforts made to increase the efficiency of this institution. Irrespective of possible criticisms concerning the speed and the quality of efficiency-driven reforms, their effects are undeniable. In this case, it is difficult to argue that Romanian political parties are interested in preserving a marginal role of the Parliament in policy-making. One possible explanation, which would require thorough investigation, might be related to the minority and coalition type of most governments (parliamentary majorities) Romania has had. The unbalanced relationship between the legislative and the executive power, might offer incentives to political actors to use the Parliament as a tool for achieving their goals. But, this is feasible only if the Parliament is a “workable” institution, creating incentives for efficiency-driven reforms.

Most changes were directed towards rationalizing parliamentary activity by describing in a very detailed manner the procedures applicable in various circumstances, by clarifying the relationships between different parliamentary structures through the description of their prerogatives, and by setting strict deadlines for all stages of the legislative process. Parliamentary activity becomes progressively more standardized, accompanied by an increasing of the predictability of parliamentary proceedings and of the legislative process. The first breakthrough occurs during the second legislative term, after the adoption of the new SOs (1993, 1994).

What is interesting is that the SOs do not include sanctions, in case deadlines are not followed. The development of the legislative process is designed so that the lack of compliance does not lead to gridlock, but simply deprives political or institutional actors of means of influencing the content of bills (and, consequently, of means of attaining their goals).

Another interesting aspect is that the Chamber of Deputies is more willing to initiate and implement rules that rationalize and increase the efficiency of parliamentary activity.

The diachronic analysis of the SOs, focusing on the changes that were made, illustrates quite well the “problematic areas” within the parliamentary rules and, generally, within the legal framework. It is interesting to notice that the areas that could be identified as problematic overlap quite well on the areas that have actually been submitted to change over the years. This analysis could be considered a proof in favor of the responsiveness of the Romanian Parliament to external pressures (challenges). This responsiveness seems to be higher towards the end of the period under study, since the extent and the frequency of reforms increases. It could be considered that it is correlated, to a certain extent, with the processes of institutionalization and institutional maturation. The extent and the nature of changes operated after 2000, might be a reasonable proof from this point of view.

24 These are the areas where the Parliament was considered inefficient or have insufficient institutional tools to resist political or policy challenges.
In terms of opportunity structure, the balance of power between the Parliament and the Government supports the thesis of the formal strength of the first. Although both institutions enjoy the same powers, the *initiation* phase seems dominated by the Government, because of the legislative delegation and the importance granted to the governmental assent for the MPs’ initiatives. *Agenda-setting* is formally dominated by the Parliament, which has exclusive rights in this area and a series of “maneuver” opportunities, although the Government plays the central role in determining its content (through draft bills). *Deliberation* is clearly dominated by the Parliament, at both committee and floor level. Committees and party groups are the main veto players that decide the faith of each draft law, while the Government can only express its opinion, having no opportunity to exercise its will. The progressive standardization and shortening of this phase limits the opportunities for both the Government and the MPs (groups) to alter dramatically the faith of a draft law. If the final vote offers the Parliament full power over the outcome, promulgation\(^{25}\) has diminished its influence over time.

Meanwhile, the limited extent of the data used for this analysis does not allow to appeal to different typologies and classifications of parliamentary institutions in order to describe the Romanian Parliament, based on the above mentioned observations.

In terms of the opportunity structure available for party groups to achieve their goals, the conclusions are twofold. On the one hand, party groups clearly dominate all parliamentary structure and all decision-making mechanisms. Consequently, they dominate each stage of the policy-making process at parliamentary level. Even at committee stage, it is the party and not the experts (staff) that enjoy full veto power. On the other hand, it is interesting to notice that individual MPs have a marginal role in parliamentary activity (proceedings) as compared to groups. Political parties exercise their influence/power and fulfill their goals through party groups, as parliamentary structures, and not through individual MPs. The principle of proportional representation is pervasive and leads to the exclusion of individual initiative throughout the whole process. In the same way, although the minority enjoys a whole series of opportunities to influence the development and outcome of the policy process, the majoritarian principle blocks all chance of a veto from its part.

All in all, the Romanian Parliament benefits from a formal structure of opportunities that could be considered “generous”, far more generous than the Parliament has ever been interested to enjoy. Although parliamentary powers have not increased significantly over the years, efficiency-driven reforms have contributed to the improvement of its position as a player in the policy-making process.

References


\(^{25}\) Together with constitutional control.


Annexes

1. A Short Account of the Legislative Procedure in Romania (Policy-making at parliamentary level)

Laws are drafted either by the MPs either by the Government, all draft bills being sent to the Standing Bureau. The Standing Bureau sends them to committee, the selection of the

26 The citizens have the right to initiate the legislative process, but it only happened once in 19 years, therefore the procedure can be overlooked by the present paper.
committee being based on the policy area that the draft bill belongs to. In this phase, the MPs and the Government may present amendments. After the committee issues a report advising its adoption (with or without amendments) or its rejection, the report is sent to the Standing Bureau that decides to put it on the agenda of the plenary session. After the draft bill is submitted to debate in plenary session, the chamber expresses its vote and sends the bill to the other chamber. If there are differences of opinions between the two chambers, the project is revised at committee level and submitted to a final vote in plenary session. If no compromise is found, after its revision, the bill is considered rejected. The 2003 constitution eliminates the necessity of revising the bill if there are differences of opinion between chambers, because it gives final decision-making power to each chamber, according to the policy area the bill belongs to. Consequently, the last chamber that analyses the bill, decides upon its content and fate. After the bill is adopted by both chambers, the MPs, the Government or the President, have the right to ask the Constitutional Court to give its assent. If it considers the bill to be unconstitutional, the Parliament has to revise it. Then, the law is sent to the President in order to be promulgated. The President has, in its turn, the right to ask the Parliament to revise the bill. Nevertheless, the legislature may choose to reject its demand, by resending the bill in the same form to be promulgated.

2. Legislative terms after 1989 and the most important changes in Standing Orders

<table>
<thead>
<tr>
<th>Legislative Term</th>
<th>Standing Orders</th>
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| 1990 - 1992      | 1990 – Chamber of Deputies  
|                  | 1990 – Senate                                         |
|                  | 1994 – Chamber of Deputies                            |
| 1996-2000        | -                                                    |
| 2000-2004        | 2001 – Chamber of Deputies  
|                  | 2001 – Senate                                         |
|                  | 2003 – Chamber of Deputies                            |
|                  | 2003 – Senate                                         |

27 After the 2003 constitutional revision, draft bills are sent to only one of the chambers, according to the policy area they belong to. After a first reading, the second chamber gives the final vote for the bills.
28 The assent given by the Court is mandatory for the Parliament only after the 2003 constitutional revision. Before 2003, the Parliament had the right to refuse its revisal with a majority of 2/3 of votes.