



## TRIBUNAL CONSTITUCIONAL

### **30<sup>th</sup> Anniversary of the Romania Constitutional Court – Bucharest, 10<sup>th</sup> may 2022**

Having accepted the kind invitation of the President of the Constitutional Court of Romania, Professor Valer Dorneanu – which does great honor to the Portuguese Constitutional Court – I was chosen to represent my Court, due to the unavailability of the President and Vice-President. The President sends his regards to Prof. Valer Dorneanu, regretting not have the chance of being present.

In such a short speech (I have been asked to talk for 5 minutes), I would just like to address 4 points:

1. I will start with a very short historical note
2. Then I will go through the composition and organization of the Portuguese Constitutional court;
3. As a third point I will address the competences and activity, stressing the importance of the Portuguese Constitutional Court in the framework of separation and interdependence or balance of powers in my country.
4. And finally, I will mention 2 recent examples of the Portuguese Constitutional Court importance.

**1.** In Portugal, after a 48-year period of dictatorship, the revolution that established a democratic regime took place on April 25, 1974 (the “Carnation Revolution”, as it is still called). One year later, following the first free elections in the country, the Constituent Assembly was elected with the mandate to draft the Constitution, which came into force a year later, on April 25, 1976. With the first constitutional amendment/revision, which took place 6 years later, the Council of the Revolution was extinguished (a military organization, in which the Constitutional Commission acted as the supreme judicial body in matters of constitutional judicial review) and the Constitutional Court was created, responsible in the last instance for reviewing the constitutionality of laws. The Court

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began its activity in April 1983 which means that next year it will complete 40 years of activity.

**2.** In what concerns the organization and the powers of the Constitutional Court, it is composed of 13 Justices, 10 of them elected by Parliament (“Assembly of the Republic”) and 3 chosen or co-opted by the remaining Justices. It is mandatory that 6 from the 13 Justices are career magistrates (judges from the other courts).

The President and Vice-President of the court are elected by the other justices, with no direct influence on the election – at all, as the Justices vote and the one to become President needs 8 votes out of 13.

**3.** The Portuguese Constitutional Court has operated with complete independence from political power throughout its existence, and is a fundamental institution within the framework of separation and interdependence of powers.

In addition to functioning as the decisive guarantor of the Constitution and the ultimate stronghold of the fundamental rights enshrined in the constitutional text, the political role of the Court is evident: some of the most relevant political issues and, at the same time, with greater importance to the community as a whole are usually subject to constitutionality review by our Court.

**4.** Taking just 2 examples of our more recent history in consideration:

- During the financial crisis of the last decade, within the context of the Eurozone public debt crisis, which led to the intervention of the so-called Troika (composed by the European Commission, the European Central Bank and the International Monetary Fund), the Constitutional Court was requested to review several laws imposing severe measures with serious repercussions for citizens, namely civil servants.

- More recently, and concerning governmental actions taken in response to the Covid 19 Pandemic, the Court was requested to review the constitutionality of legal and regulatory measures taken by public authorities. These restrictive measures, approved

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during the decreed state of emergency and, later, of the state of alert, had a significant impact on the citizens' fundamental rights.

To conclude, as a Justice of the Portuguese Constitutional Court, I cannot hide the pride I feel in being a member of this institution, which I believe will continue to shape the legal and political history of my country in the years to come.

Thank you very much! Best wishes for the Constitutional Court of Romania and my congratulations for the excellent work throughout the day and my compliments to all the participants.