

# SIMPLIFICATION OF THE NATIONAL LEGISLATION – A PREREQUISITE FOR THE IMPROVEMENT OF THE LEGISLATIVE REGULATORY FRAMEWORK IN ROMANIA

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## Abstract

In the context of an unprecedented increased number of legislative normative acts adopted at state level, and meant mainly to reflect the complex and multiple transformations that occur in the social relations, in the attempt to correlate the results of the law creation process with the Romanian realities, finding out proper solutions able to contribute to the legislative regulatory framework improvement in Romania represents an urgent need.

The legislative simplification represents one of the legal existing solutions and concurrently an efficient instrument to stop the regulation excess by dwindling the number of the legislative acts and by increasing correlatively their quality, in the ample context of assuring the coherence, unity and flexibility of the entire national legislation framework.

Under these circumstances, the author undertakes the task to tackle mainly the simplification legislation activity, from the point of view of its prerequisites, of the applicable legal system, of the specific principles and objectives and respectively of the concrete legal instruments meant to facilitate it at applicative level. It can justify in this manner the need to strengthen the role of simplifying mechanisms, insisting to the same extent on the involvement and contribution of the public administration to this process.

## 1. Introduction: On the prerequisites and the need to simplify the legislation

Today, almost 20 years after the fall of the totalitarian regime and Romania's stepping into a new historical stage and simultaneous establishment of a new democratic and constitutional order, a moment of deep signification but also with important implications in the further evolution of the Romanian state, an indisputable reality in comparison with the appearance of the regulatory phenomenon, is represented by the regulatory excess<sup>1</sup>, a status generating an authentic legislative *inflation*.

Thus, the fast rhythm of the society evolution and the dynamics of the major transformations which occurred in the first decade of the new millennium, at the level of all relevant domains, such as the political-institutional, economic, social, cultural, etc., in Romania, were reflected directly and necessarily in **the law creation process**, in the context of the new regulations issued for the corresponding changes of the social relations.

As showed by professor Ioan Alexandru *"after 1989 we witnessed a real legislative explosion, which can be explained to a great extent through the structural reform undergone by the Romanian society, the profound change of the political regime, the shift from the totalitarian state to the rule of law, from the centralised economy to the market economy, the change of the property status and the need to establish the reparatory measures"* (Alexandru, 2009, pp. 23-24), which actually represent *"objective reasons that determined the adoption of new legislation regulatory acts into an amplified and sometimes almost progressive manner"* (Alexandru, 2009, pp. 23-24).

Beyond these **internal** causes, we consider also that the **external** causes, generated by Romania's accession to the Euro-Atlantic structures (NATO, EU) or by Romania's accomplishment of international commitments, had relevance and impact on both the ample and complex contents of the legislative acts and also regarding the increase of the excessive number of legislative normative acts.

The most relevant of these causes are those generated by the need to transpose the *acquis communautaire* into the national legislation and by the implicit compliance of the national law material sources to the European requirements system. This obligation derived initially from Romania's accession to the European Union on the 1<sup>st</sup> of January 2007 and subsequently from Romania's commitments as an EU member state with continuous tasks to harmonise and comply with the European community legal norms and their inherent dynamics, in the context of the European integration process.

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1 The verb to regulate means the law creation action, in the sense of creating the legal norms that provide obligatory general and impersonal behavior rules, for different activity domains, while the noun regulation represents the result of the law creation process, assimilated to the various typology of legislative acts with regulatory status issued or adopted by the competent authorities or institutions (laws, ordinances, decisions, ordinary decisions etc.), in essence the legal instruments for application and implementation of public policies.

Obviously, a *static* look over the bulk of the normative acts, which represents actually a justifiable look in the light of the objective changes produced in the Romanian society and which may lead, as taken to the extremes, to the acceptance of the solely quantitative interpretation that might be susceptible of having entailed the *legislative inflation status*, does not represent in itself an insurmountable problem in our opinion, since there are adequate solutions to manage such a complex regulatory status, from both the institutional<sup>2</sup> and functional point of view.

Whatsoever, the problematic issue tends to be completely modified by getting a special status in its complexity, when we associate the quantitative increase of regulatory acts, sometimes apparently a random phenomenon, with the unjustifiable causes that produces it and feeds it continuously, but especially with the concrete effects generated by the regulation excess, according to another approach that gets closer to the real phenomenon which takes into account the desirable articulated dynamics and inter-connections of the legislative normative acts and which might have undoubtedly negative effects on their quality by decreasing it (Vida, 2006, p. 23).

In this regard, when professor Claude Courvoisier researched a similar *inflationist* regulatory phenomenon not only placed it into “*the crisis sphere or the law decadence*” (Alexandru, 2009, p. 26) but “*draws the attention that the quantitative issue suggested by the word inflation is only a mere surface image*” because the number of normative acts is not essential if they do not reflect the quality “*although most of the times, the quantity is associated instantly with the qualitative degradation of the law*” (Alexandru, 2009, p. 26).

Much more, the same author shows that “*too much frequency in changing the law makes the law instable and compromises its simplicity as well as its generality*” (Alexandru, 2009, p. 26).

In some other authors’ opinions, but in the same post-modernist approach of the legal phenomenon, this real legislative inflation, characterized by some authors as a so-called “*legislative orgy*” (Viandier, 1984, p. 76), and its immediate effects, do not represent something else but the symptoms “*of the current legal system crisis*” or the actual manifestation “*of the objective law crisis*” (Vida, 2006, p. 23).

Thus, the traditional model of issuing the laws and the other legislative normative acts based on rationality and simplicity (Vida, 2006, p. 23) “*cannot satisfy today the social life complexity, which makes that a series of these legislative productions may become obsolete, some may be in contradiction with the social-economic realities and others may be replaced by the post-modernist concepts and practices*” (Vida, 2006, p. 23).

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2 In this regard, the Legislative Council – Parliament’s specialized consultative body, ensures according to its constitutional role provided in art. 79, the systematization, unification and coordination of the entire legislation; according to art. 2 paragraph (1) letter f from the Law no. 73/1993 regarding the establishment, organization and functioning of the Legislative Council, republished, the Council has the responsibility to hold the official inventory of Romanian legislation and to supply the information necessary for the development of the legislative process.

The consequences of the *quality and quantity* “deterioration” in the active state legislation, as reflected in turn by the higher density of legal norms<sup>3</sup>, and also by the rapid sequence of the legislative events<sup>4</sup>, which may lead the legislation effects to cease in the very year of its issue<sup>5</sup>, reverberate on the real possibilities of people to know the legislation in force and makes laughable the total assumption of knowing the law (Alexandru, 2009, p. 24) as expressed by the Latin expression *nemo censetur ignorare legem*, principle reaching an utopia dimension.

At last but not least, a similar *legislative inflation* situation may be reflected as a turbulent factor in the administration and justice activity, because these institutions are caught in a so-called “*prescriptions ball of thread binding them*” (Alexandru, 2009, p. 24), and these institutions are forced to choose by themselves the rules they are going to apply.

A sensitive point is thus revealed which brings into discussion the principle of legality under the rule of law, “because the application of the law is let too much to the discretion of administration” (Alexandru, 2009, p. 24).

Therefore, it is imperative to show that beyond the excess regulation, the law crisis is manifested inclusively through “*the tyranny of public administration*” and through “*the governance of judges*” that transform the own decisions into legal precedents which undermine altogether the fundamental law architecture and its executive characteristics (Vida, 2006, p. 25)<sup>6</sup>.

Therefore, from the *statistics*<sup>7</sup> point of view and also from the *practical-applicative* point of view, and through the experience of public administration agencies and

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3 Only in the year 2008, according to the Legislative Council statistics, a number of 915 important normative acts were adopted, out of which: 239 laws (of total 308), 11 Governmental ordinances (out of total 28), 82 Governmental Emergency Ordinances (out of total 230) and 583 Governmental decisions (out of 1,721).

4 Like in the precedent years, in the year 2008 it is also noticed the existence of some normative acts which suffered successive interventions though several modifications and completions, sometimes in relatively short periods and substantially, generating difficulties in laws application; for example 7 massive legislative interventions on the Law no. 8/1996 regarding the copyright law and related rights, 21 de legislative interventions on the housing Law no. 114/1996, 25 interventions on the Education Staff Statute, approved though the Law no. 128/1997.

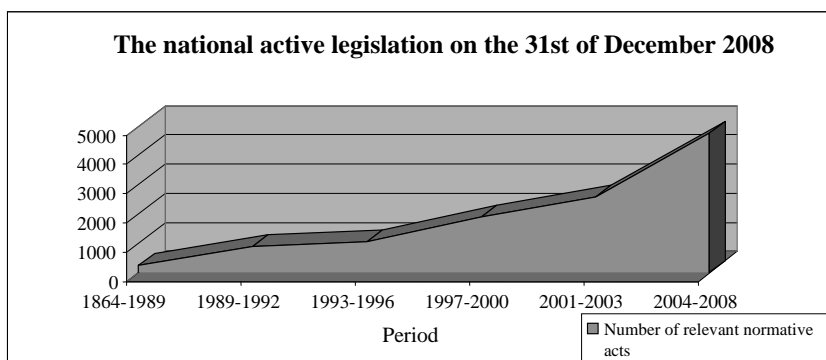
5 According to the Activity Report from 2008, the Legislative Council points out a number of 7 emergency ordinances adopted in 2008 which ceased their legal effects in the same year, though their abrogation, rejection or classification as non-constitutional.

6 Professor Ioan Vida shows in this regard that „the normative acts issued by the ministerial and extra-ministerial administration surpass by far the number of laws and ordinances, and the Governmental decisions breaks most of the times the constitutional legislative monopoly of Parliament”.

7 According to the situation presented by the Legislative Council in its activity Report for the year 2008, the important normative acts that constitute the active national legislation in December 31, 2008, equal to 11,346 normative acts, structured as follows: 225 acts in the period between 1864 and 1989, 877 in the period between 1989-1992, 1,041 in the period between 1993-1996, 1,890 between 1997-2000, 2,569 between 2001-2003 and a number of 4,744 in the period between 2004-2008.

authorities called to participate to the process of organising and applying the law without ignoring of course the component linked to the accessibility and incidence of the legislation system on the civil society (NGOs, citizens and other interested parties), the national legislation system appears to us as presenting some obvious and at the same time worrying characteristics, with negative consequences on the entire Romanian society with all its components.

The evolution of the active national legislation in the period 1864-2008 can be followed in Figure 1.



**Figure 1:** The national active legislation on the 31<sup>st</sup> of December 2008

**Source:** Report on the Legislative Council activity for 2008

We consider here consequently a legislation that particularises itself through: *excessive regulation* revealed through the worrying increase of the number of legislative acts, a great *legislative instability*, due to the enhanced frequency of legislative events (*modifications, completions, abrogation etc.*) undergone by some legislation acts with relevance based on their importance for the legislative system, *the persistence of some obsolete or contradictory legal provisions*<sup>8</sup>, which represent altogether confusion generating factors, hindering the application of the law and affecting to the same extent the law understanding by the subjects falling into the respective law incidence, mainly, the beneficiaries.

As related to this situation, caused especially by the ceaselessly increase in legal regulations number and susceptible of leading to a proliferation of a so-called “*law without soul*” in the economic-financial and social environment, followed by laws’ lack of application (Atias, 1984, p. 31), the doctrine notices that “*there are no rigorous programs meant to establish the need of these legislation normative acts, so the laws*

8 According to the Legislative Council, its consistent activity to notify the draft legislation proves that it is maintained the frequently used method not to identify and abrogate expressly the normative acts, which are in contradiction with the new regulation; the initiators using excessively the expression “any contrary provision is abrogated”. In this regard, see the activity Report of the Legislative Council for the year 2008, the section “official recording of legislation”.

often have as preponderant foundation the political Governance programs”, bearing also in mind the fact that “the draft laws are not always substantiated or they follow shallow scopes, most of the times appearing unsolved contradictions between the old and new regulations”(Vida, 2006, p. 25).

From the prospect of these precise reasons, the need to simplify the national legislations represents an urgent need, and the simplification effort does not represent a scope in itself but a concrete and pragmatic one meant to assure the *coherence, unity and flexibility* of the entire national active legislation.

Moreover, as shown by the literature, in order to return to a good and efficient administration and justice, it is necessary to **rationalize the regulatory framework**, with a view to freeing this system of the excess of constraints and to simplifying the “mingled ball of thread” of provisions which burden it (Alexandru, 2009, p. 25).

The need to counter-balance the obvious tendency of the **expanding and sliding** regulatory field in the sphere of some issues, which belong more to the details of the matter rather than to the essence of the social relations subject to regulation, is not less important.

There are elements which reveal the “over-regulation” of individuals’ life “*through grasping tentacles up to the last refugees of society in order to command*” (Alexandru, 2009, p. 25), and which undoubtedly touch the citizens’ freedom.

At the same level, the law crisis, manifested inclusively through the abuse of the large number of legal regulations, is revealed also by the law penetration into social areas which are not its characteristics, and which leads to the **diminishing of the legal regulation obligatory trait** and also to the substitution of the legal regulation with something “*recommendable*” (Goyard-Fabre, 1998, p. 186), and most of the times the new legislative measures may lead to legal generality, incoherence up to *legal nonsense* (ex: *animal rights*) (Vida, 2006, p. 26).

## **2. The legal framework applicable to the simplification activity – between the need of simplification and the need of making the draft legislation initiators more responsible**

The constant objective of *legislation simplification* is subject to the large concepts of **systematisation, coordination and unification of the entire legislation** (Vida, 2006, p. 129)<sup>9</sup>, mainly reported to the role, functions and competencies incumbent to the Legislative Council according to the *Constitution provisions from art. 79, to the Law no. 73/1993 on the establishment, organization and functioning of the Legislative*

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9 In the opinion of professor Ioan Vida, the legislation unification and coordination are concepts under the notion of legislation systematization, perceived as inseparable part from the process of normative acts elaboration and getting knowledge o these legislative acts, having as components: integration of the draft into the legislative process, deleting the obsolete, contradictory and parallel regulations, concentration of legislation in codes and incorporating the regulatory acts into codices per matters.

Council, republished<sup>10</sup>, and to the Law no. 24/2000 regarding the legislative techniques norms for legislation elaboration, republished<sup>11</sup>, with its subsequent modifications and completions.

The competencies established by law for the Legislative Council, integrated to its fundamental mission as enshrined through the Constitution, are exerted on basis of **the opinions with consultative** role and, according to the paragraph (3), art.3 of the law, has as object the concordance between the proposed regulation and *the Constitution, framework-laws in the filed, the European Union regulations and with the international documents ratified by Romania as a party*; the assurance of correctness and clarity of legal expression, the removal of contradictions or inconsistencies from the draft legislation; the assurance of its complete provisions; the observance of the legislative techniques and as well as of the legal regulatory language; the presentation of the new regulation's impact on the legislation in force, by identifying the legal provisions with the same regulatory topic and which are to be abrogated, modified or unified, and also by avoiding overlapping of identical provisions in different legislation acts.

At the same time, according to its responsibilities regarding legislation systematisation, unification and coordination, the Legislative Council has developed also, beginning with the year 1996, a laborious process of creating a recording of the active legislation, in order to identify the conflict and/or incompatibility status of the legislation previous to 1989 with the Constitution and the new legislation acts. Thus, a number of more than 2,000 legislative acts were selected and proposed to abrogation through Government draft laws and decisions, subsequently adopted by Parliament and by the Government, respectively; precise abrogation achieved on the occasion of adopting the new regulations in the field can be added to these general abrogation.

Moreover, in the process of analysing the draft legislation and performing their scientific check, the **Legislative Council opinions** revealed the situations when the drafts presented parallelisms with the regulations in force or created a legislative void through regulations' abrogation without replacing them with another legislative act.

It is worth mentioning that the Legislative Council responsibilities in the matter of systematization, coordination and unification of the national legislation, implicitly its incumbent responsibilities for *legislation simplification*, are not exclusive and they are shared altogether with all legislation initiators, mainly the Government, ministries and the other central administration specialized agencies, with some concurrent and complementary competencies.

According to the Law regarding the legislative technique norms, **the legislation simplification** benefits from a well defined legal framework and it operates through a series of specific institutions and mechanisms, regulated in the context of these provisions, by resorting to: *the abrogation institution*, associated with priority to the

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10 Published in the Official Journal no. 1122/ 2004.

11 Published in the Official Journal no. 777/2004.

process of reducing the active legislation number or *the codification institution, the republishing institutions*, respectively.

A series of other exigencies can be added, as stipulated in the Law no. 24/2000, under the shape of principles or general prescriptions, opposable to the legislation initiators in order to ensure the unique character of the respective legislative regulation or to avoid parallelism or, according to each situation, to incorporate the normative acts into codices per matters.

In spite of these realities, although the legislative framework is in place and the concrete simplifications instruments are available for the interested parties and according to the Strategy for a better regulatory activity for central public administration in the period 2008-2013<sup>12</sup>, adopted in compliance with the European Union recommendations integrated in the **Lisbon Strategy**, we notice that the current, daily activities for assurance *of the systematisation, unification and coordination of the active legislation* performed by the responsible authorities and bodies *do not reach the expectations regarding the legislative simplification*; increased efforts are needed to be taken in this regard especially by the state authorities.

Beyond the need to intensify the **current legal instruments role**, as conferred by the Law no. 24/2000, which may contribute significantly to the legislation simplification effort, **enhanced preoccupations should exist** in the *current activity of elaboration, promotion and notification of draft legislation* of the responsible parties and also in the further actions aiming at simplification.

Thus, we take into consideration either to establish **new legal simplification instruments** in order to consolidate the existing ones or to introduce **a new desirable behaviour for the legislation initiators** through guidance norms, based on methodologies, which may generate simplification effects of active legislation from the initial elaboration stage.

We hint here at promoting a special regulatory process, more flexible and coherent, reflected in a significant reduced number of legislation, as volume of legal norms, but especially as an assurance of an **enhanced stability** for the identified regulatory solutions.

From this point of view, beyond the “traditional” simplification means provided by the law, we believe that emphasis should be laid on the “self-censure” of the legislation initiators, meaning an increased responsibility, attitude that may be reflected in *their*

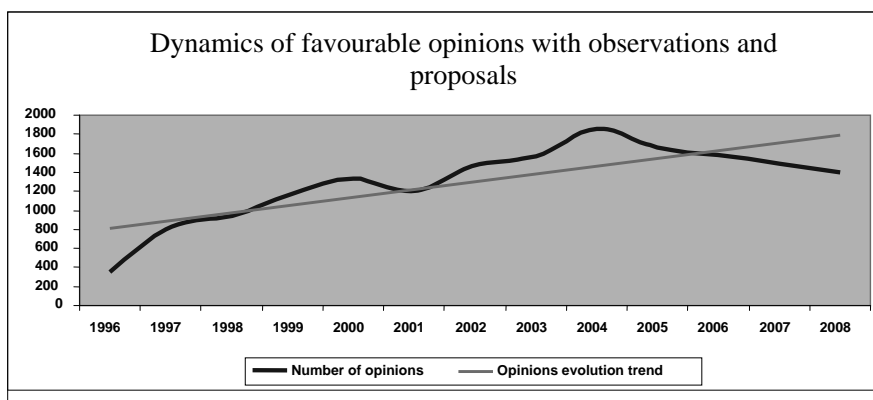
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12 In the context of the action launched by the European Commission at the beginning of 2007, according to the Commission Communication COM (2007)23 – The Action Plan to reduce the administrative tasks in the EU, the Romanian Government adopted in its meeting on September 24, 2008, The Strategy for better regulations at the level of central public administration in the period 2008-2013, as a public policy document, having as declared scope “the improvement of the quality and simplification of the national regulations at the level of central public administration with a view to enhancing the competitiveness of economy and creating new jobs”.

*abstinence from the unnecessary desire for creating regulations* for a specific type of social relations.

Such a self-control, respectively a restrained behaviour of the actors empowered with legislative initiative rights, in our opinion might have positive effects at the qualitative level, **by reducing the number of regulations** susceptible to be elaborated and promoted by initiators, but also at qualitative level, from the prospect of improving the proposed regulatory solutions and of the assurance of their compliance with the national law order principles.

The dynamics of the Legislative Council's *favourable opinions with observations and proposals* in the period between 1996 and 2008 is reflected in Figure 2.



**Figure 2:** Dynamics of favourable opinions with observations and proposals  
**Source:** Reports on the Legislative Council activity for the period 1996- 2008

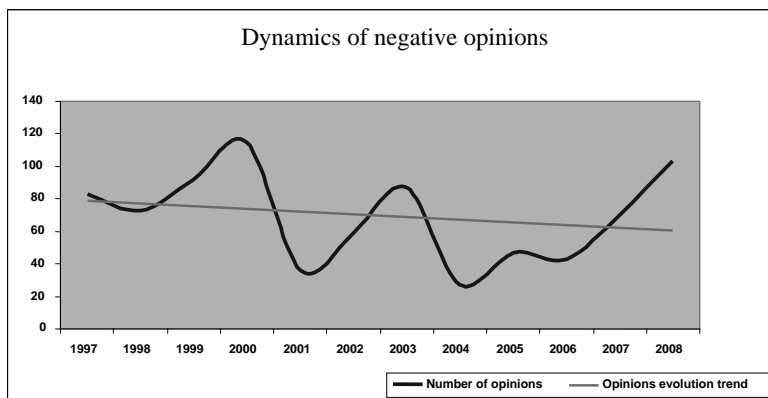
To support this, we give as example<sup>13</sup>, in the context of the decrease of the number of legislative proposals from 616 in 2007 to 446 in 2008, as well as of the number of draft laws from 129 in 2007 to 113 in 2008, the half even decrease of the number of Government simple ordinance drafts from 63 in 2007 to 31 in 2008, the increase of the number of negative opinions<sup>14</sup> of the Legislative Council, starting with 2006, when 43 such notices were registered, in 2007, a number of 70, and in 2008 these got up to 103. This proves, at least, the alteration of the qualitative level of the respective

13 See the statistic situation regarding the normative draft laws, structured into categories, submitted for approval of the Legislative Council, according to its Constitutional and Legal abilities, presented within the Activity Report for the year 2008.

14 According to the provisions of Article 46 (3) of the Regulation regarding the organization and functioning of the Legislative Council, republished, MO 193/2005, “in the situation in which the draft law or the legislative proposal is against the Constitutional provisions or principals, to the State law order or the treaties to which Romania is part of or is disagreeing our legal system, the opinion will be negative, motivated accordingly”. Also, according to the provisions of Article 46 (4) of the same Regulation “the opinion will also be negative, and where, through the draft law are instituted rules incompatible with EU regulations”.

draft laws, from the point of view of their content and their scientific substantiation respectively<sup>15</sup>.

The dynamic evolution of the Legislative Council’s **negative opinions** issued on draft laws, as well as over the correction and republication requests, within the period 1997-2008, is presented in Figure 3.



**Figure 3:** Dynamics of negative opinions

**Source:** Reports over the activity developed by the Legislative Council within the period 1997-2008

In this context, we advance the following proposals, as possible requirements enforceable mainly against to the initiators of legislative projects, whose responsibility is paramount in such an approach and both bodies of approval, designed to ensure the simplification of national legislation, the effects of which we believe will reflect the beneficial impact on **improving the regulatory environment in Romania:**

1. Preliminary analysis, performed with full responsibility, over the desirability of opening a regulatory approach;
2. Grant a reasonable period of reflection to the initiators of normative acts in determining an appropriate legal forms and in particular, to identifying the best legal solutions; and
3. Prediction, as complete as possible, of the effects of the act on existing legislation in the context of impact assessments, to be taken to be authentic tools, and not only formal elements, accompanying projects.

### **3. Principles and specific objectives of simplifying laws’ activity**

According to the *Strategy for better regulation in the central government in 2008-2013*, all activities undertaken in the context of improving the quality of regulation, delivered to the general objective of simplifying national legislation, shall be governed by the following principles:

15 103 negative opinions were issued for a number of 83 legislative proposals, for 3 projects of Government Decisions, for 2 projects of Government Emergency Ordinance, for an amendment to the legislative proposal and for a number of 14 correction requests, respectively.

1. **Principle of proportionality** – the solutions offered do not exceed what is necessary to achieve the objectives pursued by adopting regulations;
2. **Principle of effectiveness** – rules must meet the issues raised and to properly be assessed according to their effectiveness;
3. **Grounding principles** – in the law making process, regulations must be science-based, means - saving and optimizing regulatory solutions; and
4. **Principle of responsibility** – the need for justification, in a transparent way, of the solutions proposed by the initiators of the normative approach.

As to the **specific objectives** of legislative simplification activity, according to the same public policy document, made by the Executive, which will run in stages<sup>16</sup>, according to a special procedure with the help of administrative authorities concerned, these relate to:

- *Significantly reducing legal weight*, by reducing the number of normative acts in the context of the development and promotion of normative acts, taking into account with priority the need to avoid duplication both within the legislation, and within the whole system of active law;
- *Purging the active legislation*, by repealing the laws becoming obsolete or registering contradictory issues with proposed legislation, by the revaluation of each legislation sector, made under special abilities for each ministry and specialized body, possibly due to the Legislative Council's referral;
- *Legal stability*, especially by curbing the temptation to make changes, unnecessary in the context of active legislation, and combating the appropriate regulatory excess, taking into account thus achieving a balanced ratio between *law's static and dynamic*;
- *Scientific basis and optimizing the regulatory solutions*, with the *principle of economy of means* in the preparation of draft laws;
- *Ensure the unity and also the uniqueness of regulation* in the legal acts related to the same areas of active legislation, particularly by increasing the *role of codification* in the systematization of legislation activity;
- *Facilitating the identification, understanding, rapid and accurate interpretation and application of normative acts*, by enhancing the activity of incorporation of these acts into codices per matters, and also through systematic recourse to the institution of *republishing*;

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16 According to the Strategy, the process of technical simplification of the legislation will be done in two phases: one, the Legislative Council in collaboration with the Secretariat of the Government and the legal departments of government authorities and specialized institutions, will review national legislation identifying elements over which should be addressed immediately, compiling the list of such acts and the second phase, in which on the basis of these lists, after consulting and obtaining the opinion of the Legislative Council, the respective legal departments will formulate and propose to the Government, or after case, to the Parliament, depending on the type of normative act, the necessary legislative interventions.

- *Ensure accessibility to legal information*, both for citizens and other categories of stakeholders; and
- *Preserving traditional elements*, specific to the Romanian system of law, concerning the rules underlying its creation, without ignoring taking those solutions learned from comparative analysis of profile, which may be downloaded and adapted nationally.

Referring strictly to concrete steps leading to the achievement of such benchmarks, that customize the work of simplification of national legislation should apply with the *highest requirement of the Law no. 24/2000, republished*, by all stakeholders during the planning, promotion, endorsement and adoption of draft laws, particularly those that initiate, through systematic recourse, to all legal instruments available to the initiators, according to general rules established by this law, intended to lead to the simplification of the legislation - improvement of legislation, focusing law codes, the incorporation of regulatory acts into codices per matters, republishing normative acts.

However, for the future, we believe that it must strengthen the active role of simplifying legislation in the ongoing process of improving the regulatory environment, specific to Romanian legal system, both through **legislative measures** (e.g. *reconsider* the legal framework provided by Law no. 24/2000, republished, amended and supplemented), and by **promoting a clear set of rules**, the value of recommendations that are required to be considered by the initiators, in the context of a systematic national legislation on the implementation of the **simplification** (by developing *methodologies* or *guidelines* for specialty).

Obviously, to achieve particular objectives expected from the completion of effective simplification of national law, are qualified as **authorities responsible for implementation**, all the initiators of laws, designated as such by constitutional rules, namely those of the Law no.24/2000, republished, in particular, ministries and other agencies of central government, under the direction and control of the Government, through its specialized structures.

At last but not least, an important part comes to the **Legislative Council**, whose contribution can be decisive in *guiding the initiators in optimizing solutions regulatory purposes, but also on ensuring simplification of all national legislation, both in the activity of opinion and outside these duties and continue responsibilities*.

#### 4. Conclusions

Beyond the pure technical aspects, associated naturally with such an approach like the *legislative simplification*, regarded at its main level, at the level of its specific objectives or concrete legal instruments, which facilitate its actual achievement, *the growing regulatory phenomenon*, sometimes a random, unnecessary process, with the only recognised merit of feeding *the legislative inflation*, through the gradual, uncontrolled increase of legislative mass, **remains an undoubtedly reality**, which imposes the need to be stopped or at least reduced, through a more rational and efficient management of the existing legislative situation.

As I showed before, not the increase of the legislative mass or the effective increase of the state active legislation represents the worrying reason for the competent authorities and the cause for their urgent intervention, but rather the negative effects of such a situation at the level of all structures of the society. We mean here first the individual level, **the citizen**, with obvious limited possibilities for the law knowledge (*lato sensu*), with direct implication in exerting the rights and, correlatively, of assuming the incumbent responsibilities; and we continue with the authorities, the administrative central or local agencies and institutions, in the space where the process of organising the application and of applying the law may suffer, susceptible of affecting the *principle of legality itself* – **the keystone of the rule of law**.

We therefore plead, except the already in force *concrete legal instruments and mechanisms* aimed at **rationalising the national legislation** through *simplification*, for the need to make all actors involved in the legislation elaboration and promotion process more responsible, especially the legislation initiators who always signal the start on a “*new legislative road*”, which the more difficult it is, the more relevant proves to be in the end, bearing multiple consequences.

The “*arrival*” line represents undoubtedly the most important moment because it closes the difficult regulatory process and it signifies not only the fact that the state active legislation is added a new regulatory legislation but, overtaking the pure statistical perception, it will generate a relevant event which raise, from the *administrative* point of view, multiple and complex problems regarding the specific resources, means and procedures necessary for its application. Moreover, it will have indubitably major implications and direct consequences for the individuals who are under the incidence of the respective normative act, in the context of its effective application in concrete terms, and which equalises actually with the reaching of the scope proposed by the respective regulation.

At last but not least, we believe that the problem of solving the continuous growth of legal regulations number by resorting to the adequate instruments for legislation simplification should be integrated constantly in the preoccupations of researchers, doctrinaires and of all practitioners, in order to improve permanently the regulatory framework in Romania but, implicitly, to identify the new possible means, methods and instruments necessary to surpass the deadlock generated by the present law crisis.

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