

## Interpretation of sentence serving provisions by Supreme Court ruled unconstitutional

**The Constitutional Court of Romania (CCR) established that on Thursday that the interpretation given by the Supreme Court to provisions of the law on the serving of criminal and freedom abridging sentences when it comes to the calculation of the days of detention in a penitentiary.**

"The Constitutional Court, as part of its check of laws after promulgation, by a unanimous vote, has sustained the constitutionality objection and found unconstitutional the provisions of Article 55(1) in Law 254/2013 on the serving of criminal and freedom abridging sentences ordered by the judicial bodies during the criminal trial, as interpreted under Decision 7 of April 26, 2018 by the Supreme Court of Justice and Cassation's panel for resolving legal issues in criminal matters," according to a CCR press statement.

The court held Article 1 (5) in the constitution that says in Romania, the observance of the Constitution, its supremacy and the laws shall be mandatory was violated, as well as Article 15(2) that says the law shall only act for the future, except for the more favourable criminal or administrative law.

"The Court has found that by issuing Decision 7 of April 26, 2018, the Supreme Court of Justice and Cassation's panel for resolving legal issues in criminal matters provided the provisions of Article 55 (1) with unpredictability, which has implications with regard to the person against whom parole was ordered before the entry into force of Law 169/2017, with such person being unable to know the date on which the sentence is to be considered as served and consequently how to regulate his or her behaviour. Thus, the person against whom the conditional release was ordered before the entry into force of Law 169/2017 is unable to reasonably assess the consequences of his or her deeds, in violation of the constitutional provisions of Article 1(5)."

At the same time, CCR noted that the interpretation provided by the Supreme Court of Justice and Cassation's panel for resolving legal issues in criminal matters, the provisions of Article 55, index 1 of Law 254/2013 are converted from criminal enforcement law into substantive law, in violation of Article 15(2) of the Constitution.