



To: Mr. Klaus Iohannis, President of Romania

Regarding: request for referral to the Constitutional Court of Romania, prior to promulgation, of the legislative initiative adopted under the title *Law for the amendment of Law no. 165/2013 on measures for the completion of the process of restitution, in kind or by equivalent, of immovable property taken in an abusive manner during the communist regime in Romania, as well as for the modification and completion of Law no. 46/2008 - Forestry Code, on June 28th, 2023 (registered at the Chamber of Deputies under PL-x no. 188/2020/2021 Draft Law on some measures to unblock the process of restitution of land to former owners, form re-examined following the Constitutional Court Decision no. 685/2020)*

Dear President Klaus Iohannis,

WWF Romania is an environmental organization actively involved in nature conservation, which, by means projects implemented at national and regional level, has been supporting for over 15 years the promotion of responsible forest management, including the field of public policies (forestry, agriculture, environment, renewable energy).

Our organization has repeatedly drawn the attention of to the impact of the **shortcomings of the retrocession process over time**, which negatively affects forest ecosystems, the absorptive capacity of forests and the biodiversity of these natural habitats, and which inherently **harm the public interest in general**. At the same time, **the phenomenon of illegal logging has been closely linked to the process of retrocession** and has been brought to public attention and analyzed at various levels, as reflected in numerous reports:

- i. *"The main danger to forests in Romania is the phenomenon of uncontrolled logging. **The permanent economic and social changes and the process of retrocession of forest land to former owners, without being accompanied by adequate legislative and institutional measures, have resulted in a constant increase in pressures on forests (...).***

8.3. Main causes of illegal logging and illegal deforestation

Among the main causes, which have favoured and contributed to the evolution and amplification of this phenomenon, are the following:

*- **the retrocession of forest land under the land laws in the period 1990-2015 and the diversity of the size of the areas owned by individuals, together with the very large number of owners. Inadequate provisions of the legislation and failure to comply with it in the area of property rights reconstitution have led to the validation of forest land in violation of legal provisions (an estimated 600-700 thousand ha) and the disputed retrocession of large areas of land from which timber was illegally harvested immediately after placing in possession.*** ([Report on the state of Romania's forests 2015](#), Ministry of Environment and Water and Forests, p. 81-83, with similar findings consistently found in reports on the status of the forests).

- ii. *"By virtue of its active role and in accordance with the generally proactive nature of its manifestations, in the course of 2015, the **Supreme Council of National Defense, noting that illegal logging of timber in Romania's forests has become a nationwide phenomenon, which may harm national security interests, also addressed this issue in order to know the real extent of this phenomenon, its impact on the environment, business environment and national security and to take the necessary measures to put a stop to it.*** Thus, the Supreme Council of National Defense has analyzed the risks and vulnerabilities to the national forest heritage caused by illegal deforestation, with a major impact on the business climate and, implicitly, on the damage to the general consolidated state budget. As a result of this approach, by Law No 2 of January 11th, 2016, supplementing Article 3 of Law No 51/1991 on Romania's national security, republished (n.n. Article 3(m) of [Law No 51/1991 on Romania's national security](#)), it was established that **any actions or inactions that harm Romania's strategic economic interests, those that have the effect of endangering, illegally managing, degrading or destroying natural resources, forestry, hunting and fishing funds, waters and other such resources, as well as monopolizing or blocking access to them, with national or regional consequences, constitute threats to Romania's national security.**" ([Report of the C.S.A.T. on the work carried out in 2015](#), p. 54)

Thus, we bring to your attention the **request to exercise the power to refer to the Constitutional Court of Romania** the legislative initiative registered at the Chamber of Deputies under the number [PL-x no. 188/2020/2021 Draft Law on some measures to unblock the process of restitution of land to former owners](#), the form re-examined following the Constitutional Court Decision no. 685/2020, adopted by the plenary of the Chamber on June 28th, 2023, under the title Law for the amendment of Law no. 165/2013 on measures for the completion of the process of restitution, in kind or by equivalent, of properties taken in an abusive manner during the communist regime in Romania, as well as for the amendment and completion of Law no. 46/2008 - Forestry Code and sent for promulgation on July 3rd, 2023.

We revert to you, as we did back in 2020, considering that the legislative initiative (registered at the Chamber of Deputies under the number PL-x no. 188/2020/2021 Draft Law on some measures to unblock the process of restitution of land to former owners, the form re-examined following the decision of the Constitutional Court no. 685/2020) by its normative content in the [adopted form](#) still violates the Fundamental Law, namely Art. 135 para. (2) (b) and (d)-(e) and Art. 136 para. (2) and (4) of the [Romanian Constitution](#), without, however, being an exhaustive identification, at least for the reasons set out below.

- I. Violation of the constitutional provisions concerning the economy, i.e. the provisions of the Basic Law according to which ***the State must ensure "the protection of national interests in economic, financial (...) exploitation of natural resources, in accordance with the national interest (...) the restoration and protection of the environment and the maintenance of ecological balance"***.

The analysis should be carried out at least in the light of the official reports of the various institutions and authorities with specific responsibilities in this field.

The People's Advocate Institution has constantly evaluated the retrocession process, including with regard to forest land, and the **conclusions highlighted in the published reports are particularly relevant, but unfortunately they have not been taken into account by the decision makers in the process of legislating.**

The proposals contained in the [Special Report on the enforcement of property rights in the process of reconstitution/constitution of private ownership of agricultural and forestry land \(19 October 2022\)](#), which also refer to the legislative initiative which is the subject of this request, are also being ignored.

The above-mentioned report contains proposals before the Ombudsman to amend and supplement the relevant legal framework, including:

"6) **Amendment and addition of Article 13 para. (1) of Law No. 165/2013**, as subsequently amended and supplemented, according to which *"In the event that the restitution of forest land on the old sites is not possible, the reconstitution of property rights shall be carried out on other sites within the administrative unit, even if they were owned by the Romanian state before 1948, or subsequently became state property or were included in forestry plans after that date"*, **in order to delete the phrase "even if they were owned by the Romanian state before 1948"**. (...)

9) Unblocking the process of reconstituting the right of ownership of forest land by bringing the **relevant legislation into line with Constitutional Court Decision No 395/2017**.

A legislative proposal, namely Plx. no. 188/2020, is on the approval and adoption circuit, which, following the objection of unconstitutionality raised by the President of Romania, admitted by the Constitutional Court by Decision no. 685/30.09.2020, has been sent back to Parliament to be brought into line with it; currently, the new form has been adopted by the Senate and is in the report stage in the committees of the Chamber of Deputies.

We would like to point out that, with the amendments to be made, the existing blockage in the process of restitution of forest land would be eliminated, but we would like to stress that, according to the above considerations, in our opinion, it is **necessary to delete the phrase "even if they were owned by the Romanian state before 1948"**. (p. 72-73)

Among the considerations noted by the Ombudsman, we highlight a **particularly important aspect from the perspective of the environment and the fundamental right to a healthy environment**, namely:

"The creation of this possibility of reconstituting forest land from those that have been in the ownership of state prior to 1948, it is all the more surprising as forests are considered a national asset.

*Thus, we point out that the United Nations Conference on Environment and Development in Rio de Janeiro in June 1992 established the concept of sustainable development, **with forests as an asset to humanity**. In order to put the principles of sustainable management into practice, each state must take account of the need to strike a balance between the general interest of society and the particular interest of the owner in legislating forest ownership, which cannot be an absolute right and which **requires the state to assume/take on certain costs, which are not always easy to achieve in relation to the level of development of society and financial sustainability**. Similar issues have been noted in the Court of Auditors' reports mentioned in this report.*

***In such a paradigm, we stress the role of the state in preserving the national forest fund by adopting appropriate, coherent and sustained legislative measures to prevent circumstantial attempts to despoil it.**" (page 6)*

However, in the [form adopted](#) by The Decision Chamber, the text of Law No 165/2013 on **restitution including from land owned by the state before 1948** is maintained.

The Romanian Court of Accounts, in its [Audit report on "The patrimonial situation of the Romanian forestry fund, 1990-2012"](#), makes enlightening findings, such as:

- (a) *"In a society in transition that had not found its material and moral equilibrium, rebuilding the right of ownership of forests was undoubtedly a factor of aggression on the forestry system. The avalanche of demands for restoration of ownership **has not taken into account the obligation to protect the environment, preserve biodiversity, prevent global warming,***

etc., nor the satisfaction of redressing abuses committed before 1990. The motive has been immediate gain through the acquisition of disputed rights to forest land and its exploitation. **The step-by-step, confused and short-sighted retrocession laws have facilitated abuses, conflicts, disputes, etc.** and have unduly prolonged the process of reconstituting property rights, postponing it indefinitely and **affecting the stability of the forestry system and the timber market.** Legislation on forest management and control has been decoupled from legislation on the restoration of property rights, **with catastrophic effects in state-owned forests.** (...) **The state's public ownership of forests has been diminished by reconstitution or, rather, more often than not, by the abusive creation of property rights,** with the public authorities often showing inexplicable indifference and passivity (...)

"it appears that the forest land claims made by individuals exceed by 390,000 ha (1,906 thousand ha- 1,516 thousand ha) the area of forest owned in 1948, and if we take into account individuals and associations, the excess is 575,000 ha (3,421 thousand ha-2,846 thousand ha). **Judging by the size of these claims, this would mean that the State would not even be left with the area of forest owned in 1948, although, assuming that reconstitution would be carried out in accordance with the law, this ownership would have to be much larger for at least the following reasons:** the law limits the categories of persons entitled to reconstitution; the reconstitution of the ownership of persons entitled to reconstitution is made on application, which also means acceptance of the inheritance, or some persons have not made such applications; a number of inheritances have inevitably remained vacant; not all the forests have been wrongfully taken; from the data in the archives it is clear that some properties were encumbered in favour of the Romanian State; associative forms could no longer be reconstituted with all the members/heirs; the forest assets of some commercial companies were not eligible for retrocession according to the land laws; large areas of forest belonged to the category of "enemy property" and became state property following the armistice.

Because of this, the often heard/expressed opinions that retrocessions can continue in a carefree manner because the area of forest retroceded to date is nowhere near the level at which it would affect the state's public property in 1948 are irresponsible. The lenient attitude towards abuses, motivated by such justifications, risks replacing the abuses of the state in 1948 with abuses of state property, particularly in the period after 2000." (pp. 16-19)

- (b) "(...) the reconstitution of forest ownership a become a goal in itself, **neglecting the fact that forests cannot be assimilated to agricultural land.**" (p. 56)

- (c) **"Public ownership has been ignored, creating preferential treatment for those seeking reconstitution of ownership.**

*Evidence of ownership has been relativized, opening the way to abuses; the courts have accepted old documents as evidence without rigorous scrutiny. As a result, **much greater property rights were reconstituted than the real ones**, bringing into conflict owners who had proved their rights by purchase deeds or by the land reform laws. Documents of declaratory value were accepted as proof of ownership, without there being any documents to show that property rights.*

The requested locations were not supported by drawings or plans." (page 64);

- (d) **"As a result of the lack of state representation in many land disputes and the limitation of access to higher courts, numerous miscarriages of justice have occurred, leading to the diminishing unlawful use of public state property by establishing property rights for areas of forest land much larger than those for which there was a real right or for the benefit of persons who were not heirs of the perpetrators wrongfully dispossessed of communist state."** (p. 67);

- (e) **"(...) of the 3,295 thousand ha for which property rights reconstitutions have been validated, the Romanian state administers (only) 1,128 thousand ha, and the area of about 1,600 thousand ha is administered private structures. For the difference of about 560 thousand ha, no security has been provided and the forest on this area has been left to chance. The consequences were not long in coming, so that of the 560 000 ha of unguarded forest, more than 400 000 ha have already been destroyed. And the phenomenon of destruction continues today."** (p. 99).

The Court of Auditors has also made recommendations to the responsible authority, but there is no indication that they have been covered by the latter, for example:

- (a) **"to analyse the situations presented in the summary report on the 'Situation of the forest estate in Romania, 1990-2012', in which there are indications of alleged violations of the law by the abusive reconstitution of the right of ownership of areas of forest land greater than 10 ha in favour of natural and legal persons in the period 2000-2011 (...)"**;
- (b) **"to inventory the situations presented in the summary of the Court of Auditors' audit report in which there are suspicions/certainties as to the authenticity of documents on the basis of which ownership rights to forest land have been (illegally) established (...) measures will be taken to hold accountable persons who have issued and/or submitted non-compliant documents or falsified on the basis of which forest/woodland was allocated to the property"**;
- (c) **"(...) to review the situation of forest land restitution, which, as detailed in the summary of the audit report, was made in many cases in violation of the law, with false documents or declarations, etc., to persons who were not actually legally entitled"**;
- (d) **"Amending and supplementing the legislative framework governing the retrocession of areas of the forestry fund - public property of the State and the creation of legal prerequisites for the review of the retrocession of the forestry fund/forests, so as to make it possible to remove the damage caused, recover and return it to public property of the State areas wrongfully returned."** (p. 109-110)

The legislative initiative, which is the subject of this complaint, **is not based on a socio-economic analysis, much less on an analysis of the environmental impact**, which at least addresses the issues previously raised by the Court of Auditors, which have been studied by other authorities with the same conclusions as above, **nor does it assess the impact (still less with regard to the areas to be made available)** that the law, once promulgated, will have, given the **complexity and scale of the process of restitution** of property wrongfully taken over by the communist regime, as provided for in [Law No. 24/2000 on the rules of legislative technique for the drafting of normative acts](#), republished.

As a result, given the obvious fact that the process of restitution of property wrongfully taken over by the communist regime is subject to **suspensions regarding the manner and means by which property rights were reconstituted** and the **certainty of the negative effects generated**, a situation which has not changed substantially in recent years, as also presented in numerous journalistic investigations, it is fair to say that the legislative initiative in question will **affect national interests and therefore the national economy and the protection of the environment of which forests as complex forest ecosystems are part.**

Last but not least, circumventing official findings, such as those exemplified above, would mean knowingly renouncing the **safeguarding of the principle of security of legal relations**.

- II. Infringement of the constitutional provisions on the protection of public property, "*guaranteed and protected by law*" for which "*public property is inalienable*".

The analysis should be based on the provisions [of the Emergency Ordinance no. 57/2019 on the Administrative Code](#) art. 286: "*The public domain is made up of the assets referred to in [art. 136 para. \(3\)](#)*

of the Constitution, of those set out in Annexes no. 2-4 and of any other goods which, according to the law or by their nature, are of public use or interest (...) *The public domain of the State is made up of the assets referred to in [Article 136 para. \(3\) of the Constitution](#), those referred to in Annex No. 2, and other property which, according to law or by their nature, are of national public use or interest.*". Annex No 2 List of some goods belonging to the public domain of the State, lists the following points: "**4. forests and land intended for afforestation, land used for cultivation, production or forestry administration, ponds, stream beds and non-productive land included in forestry planning, which is part of the national forestry fund and is not privately owned;** **5. land which belonged to the public domain of the State before 6 March 1945;**" (the provisions being taken from [Law No 213/1998 on public property](#)).

Therefore, **publicly owned forests are of general public use and interest, attributes that cannot be defeated by private interest and the legislator's desire to redress the abuses of the communist regime, especially in view of the quality of property of national interest** ([Forestry Code](#) art. 3 para. 1). This assessment is also reinforced by the provisions [of the Civil Code](#), which provide that the right to public property is extinguished *"if the property has perished or **has been transferred to the private domain, if the public use or interest has ceased**"* (Article 864, second sentence). Moreover, the legislator has established that the reparation itself must be weighed against the ***maintenance of a fair balance between the private interest of the former owners and the general interest of society***, as a principle established by Law No 165/2013 itself (Article 2(d)), a law that is intended to be amended by the legislative initiative in question.

It should be noted that among the reasons invoked for the changes made by this legislative initiative, there is also the need to comply with [Constitutional Court Decision No 395/2017](#). We consider that the Court's Decision is arbitrarily invoked, declaring precisely the unconstitutionality of Art. 13 para. (1) of Law no. 165/2013, essentially because the legislator *"no longer establishes, as it did for the situation of restitution of agricultural land, the **condition of their transfer from the public domain of the State to its private domain**"* (para. 39 of the Decision), which is why the provisions criticized *"are constitutional to the extent that the restitution of forest land belonging to the public domain of the State is made only after the prior transfer of these lands to the private domain of the State"*

However, the Court did not rule on the **reconstitution of private property rights over land publicly owned by the State, land in the public domain before the nationalization of forest land**, and the appropriateness of establishing a **compensatory measure of compensation with goods offered in equivalent - forest land publicly owned by the State before 1948 - in relation to the protection of the public interest**, by others *"neglecting to the fact that forests cannot be assimilated to agricultural land"*, as stated above, given the **forestry regime** applicable to forest land is fundamentally different from that applicable to agricultural land.

Moreover, the Court notes in the grounds of the Decision, the following:

"36. As in the case of agricultural land (Article 12(1) of the Act), a system of land allocation is put in place for state-owned forest land, namely: a) on forest land handed over under [Law no. 18/1991](#), as subsequently amended and supplemented, by Romsilva's forestry offices to local land commissions, on the basis of protocol and not taken into possession; b) on forest land (...) that became state property or were included in forestry plans after 1948; c) on forest lands that were in Romanian state property before 1948, only if the areas referred to in points a) and b) are no longer available [\[art. 18 of the Implementing Rules of Law no. 165/2013\]](#)."

The Court notes that the regulation of an order of allocation is not accidental, so that the allocation of land covered by c), i.e. land owned by the State before the nationalization of forest land established by the 1948 Constitution, is subject to the exhaustion of land in the previous categories.

37. Therefore, comparing [Law No 165/2013](#), on the one hand, and the previous remedial legislation, on the other hand, the Court finds, as regards the restitution of forest land, that [Law No 165/2013](#) expressly provides for the reconstitution of private property rights in respect of land which is public property of the State, land which entered the public domain before the nationalization of forest land by the [1948 Constitution](#), and therefore **the object of reconstitution is not land which was owned by natural or legal persons and entered the property of the State on the basis of abusive legislation adopted between 6 March 1945 and 22 December 1989.**

38. The prerequisite for the legislature's choice is that it is impossible to reconstitute private property rights on the old site when **the land on that site has been legally assigned to other persons. (...)**"

The Court's considerations, viewed in the light of the issues set out in para. 1 above, we consider that they are not covered, given **that the legislative initiative is not accompanied by an analysis** which at least attests to the fact that the "**condition of exhaustion of land in the previous categories**" has been met and that it has been ensured that **the land on the old sites has been legally allocated.**

The legislative initiative in question proposes the reconstitution of ownership of forest land "even if they were in the ownership of the Romanian State before 1948", but **without taking into account the fact that these lands are in the public domain of the State precisely because they are affected by public use and public interest**, aspects that the Constitutional Court has held in the above decision:

"39. In the present case, when analysing the contested legislation in the broader context of restitution in kind of forest land by the reparation laws, the Court holds that the legal provisions at issue are provisions which give concrete expression to the legislature's intention to make full restitution - *restitutio in integrum* - of property wrongfully taken during the communist regime in Romania, in accordance with the principle of fair reparation set out in [Art.2 para. \(b\) of Law No 165/2013](#). In order to complete the restitution process, the **State shall make available to the persons entitled to restitution also forest land that is, at the time of the request for restitution, in the public domain**, but, by way of derogation from the provisions of the general law on the matter, namely [Art. 10 para. \(2\) of Law No 213/1998](#) on public property, it no longer establishes, as it did for the restitution of agricultural land, the condition of its transfer from the public to the private domain of the State.

40. It is generally accepted that a special law may derogate from the general law on the same subject, in accordance with the principle of *specialia generalibus derogant* and the rules of legislative technique in force ([Article 15 - Special and derogating regulations of Law No 24/2000](#) on the rules of legislative technique for the drafting of normative acts, republished in the Official Monitor of Romania, Part I, No 260 of 21 April 2010), but the derogation established cannot render ineffective provisions of the Fundamental Law. According to the provisions of [Article 136 para. \(4\) of the Constitution](#), **public property assets are inalienable, this legal nature of the public property right determines the impossibility of their alienation, being removed from the general civil circuit.**

41. **Consequently, the reconstitution of private ownership of forest land which, at the date of the resolution of the request, is in the public domain of the State, and which is intrinsically allocated to a public amenity, is contrary to the provisions of Article 136 para. (4) of the Basic Law, by affecting the legal regime of public property rights and, consequently, also infringes the constitutional provisions contained in Article 1 para. 5 relating to compliance with the Constitution and its supremacy.**

Similarly, in [Decision No 685 of 30 September 2020 on the objection of unconstitutionality of the provisions of Article I of the Law amending Law No 165/2013 on measures for the completion of the process of restitution, in kind or by equivalent, of properties wrongfully taken during the communist regime, as well as for amending and supplementing Law No 46/2008 - Forestry Code](#), the Constitutional Court similarly holds that:

"46. Therefore, having regard to the above-mentioned decisions, as well as to Decision No 1 of 10 January 2014, published in the Official Journal of Romania, Part I, No 123 of 19 February 2014, paragraph 180, the Court also holds that, in the present case, in the **absence of interdomestic transfer of the land subject to retrocession, by Government decision, in accordance with the law, judicial review of the administrative acts (Government decisions) transferring the property in question from the public domain of the State to its private domain is circumvented**, exercised pursuant to Article 361 para. 1 paragraph (1) and under the conditions of the Administrative Litigation Law No 554/2004, published in the Official Gazette of Romania, Part I, No 1154 of 7 December 2004, which is guaranteed by Article 126(6) of the Constitution.

47. Furthermore, in view of the above-mentioned Decision no.395 of 13 June 2017, the Court also holds that the criticism regarding the violation of Article 147(4) of the Constitution is well founded, as the decisions of the Constitutional Court **regarding the restitution of forest land belonging to the public domain of the State, which must be carried out only after the prior transfer of such land to the private domain of the State, in accordance with the law, are not respected."**

It should be noted that **the legislative solution in question, for which we request referral to the Constitutional Court, retains the same deficient direction**, through the wording contained in the amendment and addition added to Article 13 para. (1) of Law no. 165/2013, namely:

"(...) The restoration of ownership of forest land **in the public domain of the state at the time of the resolution of the application** shall be made under the conditions of the law, (...)"

Therefore, in the [form adopted](#) by the Chamber of Deputies and forwarded for promulgation, we are still in the situation previously identified by the [complaint of unconstitutionality filed by the President of Romania in 2020](#) (File no.1374A/2020), in that:

*"For the purposes of determining the legal regime applicable to the property in question, the reference point is the date on which the request for restitution is settled. Thus, **the request can only be directly granted if the property is in the private domain of the State. (...)***

*Consequently, **the rule at issue - which allows the reconstitution of private ownership of forestry land which, at the date of the decision on the application, is in the public domain of the State and which is intrinsically allocated to a public utility - is contrary both to Article 136 para. (2) and (4) of the Basic Law, by affecting the legal regime of public property rights, and the constitutional provisions of Article 1(5) on compliance with the Constitution and its supremacy.***"

Furthermore, we consider that the proposed legislative solution creates "**discrimination in terms of the legal treatment applicable to persons in identical legal situations**", as ruled by the Constitutional Court, because *"the mere fact - the late settlement of notifications by the entities empowered by law or the final settlement of cases pending before the courts within the range of activity of the provisions of Article 1 para. (2) of Law no. 165/2013, in its original form - cannot constitute an argument that objectively and reasonably justifies the application of a different legal treatment to persons entitled to the reparation measure by means of compensation with another property offered in equivalent, generating a violation of the provisions of Article 16 para. (1) of the Constitution"* ([Decision No 210/2014](#)). **"The succession over time of legal provisions is likely to generate instability in the legal relationships regulated by Law No 165/2013, the lack of consistency and predictability of the rules adopted in the field of equivalent reparation measures seriously affecting the principle of certainty of legal relationships, an expression of the constitutional principles of the rule of law and the obligation to respect the Constitution, its supremacy and the laws, enshrined in Article 1 para. (3) and (5) of the Fundamental Law"**, are aspects held by the Constitutional Court in the same Decision, but which are also valid with regard to the legislative initiative in the present case.

In practice, people who have received compensation in the form of points will be discriminated against and cannot return to obtain restitution in kind by equivalent (given the availability of state-owned forest land). At the same time, the **granting of compensation in the form of points is subject to expiry, as an ex nunc effect, under the suspensive condition of the exhaustion of "the forest land owned by the State, which has passed into from the public property of the State to the private property of the State, in order to reconstitute the right of ownership"**.

It should be noted that this amendment to the law unfortunately comes once again at a time when the forestry sector and forestry policies in Romania find themselves in similar situations to those described in the above-mentioned reports, aggravated by the fact that a revision of the legislative framework is to follow (promotion and approval of a new Forestry Code) which proposes a liberalization of logging for small private property, which will not allow the establishment of a sustainable forest management framework.

In view of all the legal issues raised above, we respectfully request that you **exercise your power as President of Romania to refer to the Constitutional Court of Romania, prior to promulgation, the unconstitutionality of the legislative initiative** entitled [Law on the amendment of Law No 165/2013 on measures for the completion of the restitution process, in nature or by equivalent, of the properties wrongfully taken over during the communist regime in Romania, as well as for the modification and completion of the Law no. 46/2008 Forestry Code](#) (registered at the Chamber of Deputies under [PL-x no. 188/2020/2021 Draft Law on some measures to unblock the process of restitution of land to former owners](#) - form re-examined following the Constitutional Court Decision no. 685/2020), adopted by the plenary of the Chamber of Deputies on 28 June 2023 and sent for promulgation on 3 July 2023.

Yours faithfully,

Orieta Hulea, General Manager