



ORIGINAL PAPER

The Powers and Limits of Powers of Autonomous Administrative Authorities

Cristian Radu Dragomir*

Abstract

The foundation of autonomous administrative authorities is the legislator's will that in some sensitive areas of activity of the state to have public authorities to which it can confer autonomy of operation and powers enabling them to limit political interference or interference of any structure that can jeopardize the interests of State and citizen rights and freedoms.

Thinking these autonomous mechanisms within the limit of classic administrative authorities, legislature has granted a number of levers for action, but also by its will and concern, it set the limits of the actions of the powers conferred to autonomous administrative authorities, knowing that any limitless power of action given creates monsters generators of abuse of power.

Key words: *powers, a autonomous administrative authorities, exercise of powers, limits of powers, field of activity*

* PhD student, University of Craiova, Faculty of Law, Phone: 0040 747 552 496, Email: cristi.radu_dragomir@yahoo.ro

The Powers and Limit of Powers of Autonomous Administrative Authorities

Introduction

Autonomous administrative authorities are illustrated as a mechanism for defending fundamental rights and freedoms at the state level, in various “sensitive” areas, where impartiality and transparency are obviously required. The appearance of autonomous administrative authorities is a proof that best things are not necessarily the oldest, since they did not appear before bad things, but due to the necessity of meeting actual everyday requirements. The image of administrative authorities is very accurately reflected by the French State Council: “autonomous administrative authorities act on the state's behalf, holding genuine power, without being subject to the government's authority” (Conseil d'État, 2001), with these authorities being seen as a modern government method, promoting transparency, consultation and negotiation (Sénat, 2006).

The original creation of such authorities is seen as they are placed on the border of classical administrative authorities, due to their attributions: they are not hierarchically subordinated to the ministries or the Government and there is no administrative hierarchical control. In these conditions, the paradox of autonomous administrative authorities is clear: they act on behalf of the state, they are not a part of the state's administrative mechanism, but they are not subordinated to any administrative authority from a hierarchical point of view. The various fields under the scope of autonomous administrative authorities - human rights protection, endorsement of draft laws, the economic and financial field, the organisation and coordination of activities related to state and national security defence, justice, audiovisual, competition and the enhancement of the competitive environment, fighting institutionalised corruption, the media, the private pensions system, fighting discrimination, the national defence system - have resulted in the lawmaker granting them certain powers, depending on the nature of each of them, so that they may properly fulfil their purpose.

Autonomous administrative authorities have the mission to manage potential conflicts; within this mission, they have competences and means of action, including some which are similar to legal courts. On the one hand, most autonomous administrative authorities have investigative power: they may provide documents, perform revisions, accelerate document revisions and on-site inspections (Lexinter.net, 2017).

Autonomous administrative authorities may recommend conducts and ways of action, as well as notify public bodies whenever they find infringements from legal provisions, as well as apply sanctions aimed at correcting antisocial behaviours. Even though autonomous administrative authority are legal entities and are in charge with their own management, they do not represent a system where everyone acts at his/her discretion and anything is allowed and justified; this is seen in the fact that they exercise their powers to the extent of the law.

The framework for the exercise of powers by autonomous administrative authorities

The mechanisms by which a lawmaker allows autonomous administrative authorities to fulfil their role are given by the powers they have been invested with: “the power of regulation, the power of investigation, of endorsement, of notifying state bodies, of consultation, recommendation, issuing points of view, sanctioning power” (Gîrlesteanu, 2011: 53). Each autonomous administrative authority exercises powers within its scope of activity.

Professor Gérard Timsit (1988: 316) argues that autonomous administrative authorities “have the same contribution to drawing up law as classical administrative

authorities, through means that are not conventional (constrictive and imperative), but, most often, are not less effective: information, investigation, proposal and recommendation". The powers granted to autonomous administrative authorities show a different register, and obligations are not seen in their classical meaning, as powers are granted with a view to "convincing, not constraining" (Guedon, 1991), inducing the idea that autonomous administrative authorities are an original and modern method of managing public affairs and the actions of natural persons.

1. The regulatory power, i.e. to adopt general and impersonal guidelines that create rights and obligations for natural persons, is quite seldom provided to autonomous administrative authorities (Gentot, 1994: 73-74). This power actually refers to the possibility that some categories of autonomous authorities may issue guidelines in their activity sector, so as to ensure law enforcement. This power of autonomous authorities must never be seen as an infringement of the principle of separation of powers; such authorities only ensure law enforcement, they do not act as a lawmaker, since they are not in charge with creating law, but with facilitating the proper development of society, not only at a declarative level, but through an effective involvement in their own environment.

The constitutional council of France has reiterated, in its own case law, that the regulatory power, which may be assigned to an autonomous administrative authority, is limited to its own field of activity so that it may fulfil its mission and in no way may compete with the regulatory power granted to the Prime minister (Conseil constitutionnel, 2006). As for the Romanian autonomous administrative authorities that are granted this power, they are: the Supreme National Defence Board, the National Board of Audiovisual, the Competition Board, the Permanent Electoral Authority, the Supervisory Board for the Private Pensions System, the National Anti-Discrimination Board. This power was granted by the lawmaker through the master guidelines regulating their scope and field of activity.

In these conditions: the Supreme National Defence Board, with a view to exercising its attributions, issues decisions in the field of national security, which are compulsory for public administration authorities and the public institutions they relate to (Law no. 415/2002); the National Board of Audiovisual is the single regulating authority in the field of audiovisual media services, according to its governing law (Law no. 504/2002); in order to ensure and maintain a normal competitive environment, the regulatory power of the Competition Board was recognized in art. 3 of the governing law (Law no. 21/1996); the Permanent Electoral Authority may issue decisions and guidelines for the organisation of the electoral process (Law no. 208/2015); the Supervisory Board for the Private Pensions System may, according to the Government Emergency Ordinance no. 50/2005, art. 23 f), issue guidelines regarding the private pensions system; the National Anti-Discrimination Board is in charge with enforcing and controlling the observance of the provisions of Government Emergency Ordinance no. 137/2000 as well as the elaboration and enforcement on public non-discrimination policies.

The autonomous administrative authorities and their regulatory powers as imposed by the lawmaker are not presented randomly, but with the precise purpose of clarifying the conditions of exercise of the regulatory powers of these autonomous institutions.

When they are awarded this power, the autonomous administrative authorities do not become a state within a state under any circumstance, as one cannot speak of any division of legislative power; their power is given by the lawmaker and, hence,

The Powers and Limit of Powers of Autonomous Administrative Authorities

subordinated to the latter's will and specialised, as it is only applicable to the authority's scope of competence. On the other hand, we consider that the regulatory power of autonomous administrative authorities should not be interpreted as a delegation of power from the lawmaker to this type of authorities either, since the lawmaker does not place the responsibility of legislating certain fields upon autonomous administrative authorities endowed with this type of power; it is only the lawmaker's will to make possible the proper organisation of activities in certain more sensitive fields, for authorities aware of any incongruities likely to arise in the proper evolution of society.

2. *Investigative power* implies the capacity of autonomous administrative authorities of studying, knowing and checking the dynamics of the realities of their environment. By exerting control on a precise field of activity, autonomous administrative authorities must be properly and timely informed on the actions taking place within the sector; however, they may also investigate, check, analyse the activity and actions of natural persons or legal entities, including the public authorities subject to their activity, if they deem it required (Gentot, 1994: 66) for the proper functioning of the field. The legislative framework entitles autonomous administrative authorities to be permanently informed on their field of activity, as public authorities have the obligation to communicate or provide autonomous administrative authorities with all the information at their disposal, sometimes even when such information is classified as confidential. We refer to the case of the People's Advocate, who, according to the provisions of the governing law (Law no. 35/1997), provided under art. 4, is entitled to be provided with "the information, documents or acts regarding the petitions to the People's Advocate, as well as those regarding notifications ex officio and announced or spontaneous visits s/he may perform with a view to fulfilling the specific attributions of the national mechanism for preventing torture in detention places, so that s/he may exert his/her attributions". On the other hand, the People's Advocate may dispose his/her own investigations, may require public institutions to provide any kind of information or documents ensuring the proper development of an investigation, as well as take statements from any public official or manager of a public administrative authority with a view to solving the investigation according to art. 22 (1) of the governing law.

On the contrary, the Legislative Board is entitled to require and receive from the competent administrative authorities, according to art. 6 (2) of Law no. 73/1993, all the information and documents required with a view to fulfilling its designed attributions. A similar content is seen in the investigative power granted to the National Board of Audiovisual, referred to under art. 17 (4) of Law no. 504/2002, as subsequently amended and supplemented.

The Superior Council of Magistracy "may request, in the exercise of its attributions, to the Ministry of Justice, legal courts and prosecution offices, to the National Magistracy Institute, to other public authorities and institutions, as well as natural persons or legal entities, the information or acts it deems required" (art. 31 (1) of Law no. 317/2004). Another autonomous administrative authority that has been awarded an investigative power by the lawmaker in order to ensure a fair and transparent competitive environment is the Competition Board (art. 25 (1) of Law no. 21/1996).

The National Authority for Integrity, based on Law no. 176/2010 as subsequently amended and supplemented, is entitled "to assess the wealth statements, the data, information and asset changes that may have occurred, the interests and incompatibilities for persons provided by legal regulations" [art. 1 (3)]. By means of art. 15 (2), the lawmaker has established the obligation of natural persons and legal entities, of the

managers of authorities, institutions or public or private entities and autonomous public bodies to communicate the documents and information required for the development and solving of wealth assessment activities.

As for the National Supervisory Authority for Personal Data Processing, the supervisory power entitles it to obtain from the public authorities those information, acts or documents related to its scope of activity (art. 3 (7) of Law 102/2005 as subsequently amended and supplemented), and, on the other hand, to perform prior investigations and checks, to request from public administration authorities any information or documents required for the investigation, to hear and collect statements from the managers of public administration authorities and from any public official or contractual staff' [art. 13 (1)] with a view to solving actions of its competence.

The investigative power of the Supervisory Commission for the Private Pensions System refers to its right of obtaining information regarding the management of private pension funds from controlled entities, to access any documents, registers or files regarding private pension funds, and even obtain photocopies thereof, as well as access and perform checks at the headquarters of the bodies involved in the management of private pension funds (art. 25 of Law 50/2005, as subsequently amended and supplemented). The National Council for the Study of Intelligence Archives is entitled to request from public or private entities or from natural persons any information or documents related to its field of activity [Emergency Ordinance no. 24/2008, as subsequently amended and supplemented, art. 15 (1)].

According to Ordinance no. 137/2000, the National Anti-Discrimination Board is entitled to investigate notices from persons who think they have been discriminated, in order to solve any received notices, having the right to obtain information and acts, as well as copies of such acts from public authorities and private entities.

The investigative power of the Romanian Intelligence Service is stipulated under art. 2 ("organizing and performing activities to collect, check and use the required information in order to know, prevent and fight any action that may represent, according to the law, a threat to the national security of Romania") and art. 9 ("with a view to establishing the existence of threats against national security, intelligence services may perform, according to the law, checks by: requesting and obtaining objects, documents or official information from public entities or natural persons, consulting specialists or experts, receiving notices or information, establishing operative moments by photographs, shootings or other technical means, obtaining data generated or processed by providers of public electronic communication networks or electronic communication services") of Law no. 14/1992, as subsequently amended and supplemented.

The endorsing power refers to the fact that certain categories of autonomous administrative authorities have a power of influence as "consulting entities". This implies that certain autonomous administrative authorities issue compulsory or optional endorsements for public authorities or private persons in certain fields or situations regulated by the law.

Autonomous administrative authorities having an endorsing power mediate in social life, between those who actually have power (the Parliament, the Government) and those the power is reflected upon, with no dominated role, since their endorsement, be it compulsory or optional, does not generate an actual change in the effects of endorsed documents. The lawmaker has granted state authorities the possibility to ask for a consultative endorsement from autonomous administrative authorities in their field of competence, but with no need to observe the content of the endorsement. In certain cases,

The Powers and Limit of Powers of Autonomous Administrative Authorities

public authorities can only legally provide whether the required endorsement has been previously issued, but they are not bound by its content; sometimes, they even have the obligation to request such a consultative endorsement, that must accompany the adopted decision (Girlesteanu, 2011: 56-57).

In some cases, the law provides for a compulsory endorsement procedure, i.e. decision making authorities must consult the relevant autonomous administrative authority in the field of activity their actions refer to. Decisions that are made without having obtained the compulsory endorsement may be classified as technically flawed and cancelled for abuse of power. We provide the example of the Supreme National Defence Board, the Superior Council of Magistracy, the Economic and Social Council or the Competition Board, whose scope is seen in strategic fields or in fields with an impact, whereby compulsory endorsement is justified and explicitly provided for in the governing legal documents. Requesting one of the two endorsements from an autonomous administrative authority does not exclude the possibility of requesting the other type of endorsement as well, as happens, for instance, in the case of the Supreme National Defence Board or the Superior Council of Magistracy, which may issue both optional and compulsory endorsements, as the case may be. A third type of endorsement, the compliance endorsement, has been established for French administrative authorities. Such an endorsing power transfers the responsibility of a decision to the consulted autonomous authority, since the consulting authority cannot act contrarily to the endorsement (Gentot, 1994: 70-71). The endorsing power of autonomous administrative authorities shall by no means be mistaken by the control of law constitutionality; it should be understood as a method to improve and enrich the vision of public authorities, who resort to the knowledge and experience of actually involved authorities in order to regulate a field of activity and who are free from the intervention of politics or various interest groups.

3. *The power of recommending and issuing points of view*, recognized by the lawmaker to certain independent administrative authorities, is very close to the endorsing power, in its essence. A recommendation actually is a “pressing invitation” addressed by these independent administrative authorities to the bodies of the public administration system and envisaged the adoption of a certain behaviour, the development of a certain reform, the amendment of a regulation or the possible proposal of a legislative amendment (Gentot, 1994: 71, apud Girlesteanu, 2011: 59). It should be mentioned that, unlike the endorsing power, the power of recommending and issuing points of view results in a spontaneous and autonomous manner from autonomous authorities, as they are not requested by public institutions. If no legal regulations provide otherwise, the recommendation shall create neither legal rights, nor obligations (Gentot, 1994: 72).

The justification of this power is also quite similar to what has been said for the endorsing power, i.e. this power is pertinently and objectively recognized for autonomous administrative authorities, since, as they act within the limits of a specialized field, they clearly know best how it operates; in this context, it is unequivocal that they are aware of its flaws and weaknesses, as well as the recommendations on how to solve them.

The power of recommending and issuing points of view is recognized by the lawmaker for the People's Advocate, the Economic and Social Council, the Superior Council of Magistracy, the Competition Board, the National Council of Audiovisual, the Permanent Electoral Authority, the National Authority for the Supervision of Personal Data Processing, the National Council for the Study of Intelligence Archives, the National Anti-Discrimination Board.

4. *The power to notify public* bodies implies that certain autonomous administrative authorities (the People's Advocate, the Legislative Council, the Competition Board, the National Council of Audiovisual, the National Integrity Agency, the Romanian Intelligence Service) have the possibility to notify competent public bodies - the Government, criminal prosecution bodies, courts - whenever deviations and illegal actions are seen within their environment.

Due to this power, the People's Advocate may notify the Constitutional Court on the non-constitutional character of laws prior to their promulgation, but it may also notify the Constitutional Court directly regarding the exception of non-constitutionality of laws and regarding, as well as notify the administrative court (art. 13 (1) e), f), j) of the governing law). If it is found that legal bodies are competent for solving the petitions that have been notified to him/her, s/he may address the Minister of Justice, the Superior Council of Magistracy, the Public Ministry or the president of the court (art. 18 of the governing law). According to art. 25 of the same law, the People's Advocate may notify the Government on any illegal act or administrative action of the central public administration and prefects.

The Legislative Council shall notify the Parliament or the Government, as the case may be, on any delays in the republication of legislative documents that may be subject to such an action (art. 5 (5) of Law no. 73/1993). Due to its power to notify public bodies, the Competition Board may notify the Government on the existence of a situation of monopoly or on cases in business sectors or markets where competition is excluded or obviously restrained by effect of law or due to monopoly, as well as situations of crisis, imbalance between demand and offer, as well as propose it to take the required measures in order to remedy any dysfunctions, based on art. 25 (1) h) of the governing law. The National Council of Audiovisual may also notify the competent authorities regarding the appearance or existence of restrictive competition practices, the abuse of a dominant position, economic concentrations, as well as any other infringement of the law, even when it does not fall under its competence (art. 10 (6) of Law no. 504/2002, as subsequently amended and supplemented).

After the procedure of assessment of the wealth of individuals provided by the law is completed, and when it finds irregularities and infringements of the legislation in force, the National Integrity Agency notifies tax bodies, criminal prosecution bodies, disciplinary bodies, as well as the wealth investigation committee (art. 17 (1) of Law no. 504/2002, as subsequently amended and supplemented). In case it finds that conflicts of interest and incompatibilities exist, after the required legal actions have been performed, this autonomous authority shall notify criminal prosecution bodies and disciplinary bodies (art. 21 (1) of the law on organisation and operation), as the case may be.

In case the checks developed according to the legal provisions applicable to its activity result in data and information regarding the preparation or perpetration of an action provided by criminal law, the Romanian Intelligence Service takes the required action to send them to criminal prosecution bodies as provided by the law (art. 10 of Law 14/1992, as subsequently amended and supplemented).

5. *The sanctioning power*

In order to fulfil their mission, autonomous administrative authorities are invested with sanctioning power. This may be much more effective, even more "painful" than the repression exercised by a criminal judge. The consequences of a professional prohibition may be much more serious than a fine or a sentence to spending time in prison with suspension. As for the immediate publicity of a professional sanction on the website of an

The Powers and Limits of Powers of Autonomous Administrative Authorities

autonomous administrative authority, visited by all the specialists in the activity sector, along with press releases or newspaper interviews, it is bad for the perpetrator and has stronger effects than any fine the criminal judge may apply during a long trial (Piwnica, 2010). Sanctioning power is awarded to a limited number of authorities (the Competition Board, the Supervisory Committee of the Private Pensions System, the National Anti-Discrimination Board, the Romanian Intelligence Service). The main actions applied by autonomous authorities usually are of a financial nature. The sanctions given by these authorities are always subsequent to law, have an administrative nature and may be censored by the legal courts (Girlesteanu, 2011: 64).

In case it finds deviations from the framework of a competitive environment, the Competition Board may apply sanctions - fines - according to its governing law to the public or private entities that take actions which may destabilize a competitive environment. The Supervisory Committee of the Private Pensions System, as per art. 23 j) of Emergency Ordinance no. 50/2005, may take administrative or financial action against all those who affect the interests of participants and beneficiaries of private pension funds. When solving discrimination cases, the members of the Steering Committee of the National Anti-discrimination Board apply sanctions - fines and, as the case may be, oblige the discriminating party to publish, in the media, a summary of the decision for the infringements established in the ordinance that regulates its activity. The Romanian Intelligence Service may apply freedom depriving sanctions by detaining a person with a view to submit him/her to the competent legal bodies, as shown by art. 12 of Law 14/1992 as subsequently amended and supplemented, "in case of a flagrant infringement of national security as established by the law, of a terrorist act or attempt or a preparation of such infringements, if punished by law".

Limits of the exercise of powers by autonomous administrative authorities

Seen as non-identified legal objects (Sénat, 2006) pursuant to the legal view on their establishment and operation, though independent and not subject to the Government's hierarchical control, autonomous administrative authorities act in the specific environment of the purpose they were created for, according to the legal provisions in force. Even though it may seem paradoxical, the independence of autonomous administrative authorities is only apparent, since their activity is not exempted from control.

The exercise of powers by autonomous administrative authorities within certain limits is not meant to frustrate their actions, but to align them to the democratic principles of the rule of law and protection of general interest, since any legal creation, irrespective of its underlying ideals, cannot be left to act freely, without the existence of specific rules, since, from the point of view of people who coordinate its actions, discretionary rules may be established, which are nothing but a first step to the field of power abuse and instauration of chaos. As shown in the previous presentation, administrative authorities have a range of powers recognized by the lawmaker within the regulatory documents for their activity. By granting certain powers, the lawmaker by no means intended to absolutize the actions of autonomous authorities, but only to exclude the interference of politics or various groups of interest in certain strategic fields, which is why autonomous administrative authorities were only granted certain powers within their scope of action, explicitly detailed in each relevant law and properly delimited, as they are only levers which allow for a proper management of the corresponding sector. The absence of hierarchical control does not take the activity of autonomous administrative authorities

out of the control area; they are subject to Parliament control, as they have to submit an annual activity report to the latter.

Seen from a different perspective, the lawmaker wanted to avoid the abuse of power that may appear in the exercise of powers by this category of authorities, which is why the acts of autonomous administrative authorities can be subject to jurisdictional control. In these conditions, the lawmaker established the possibility that “any person who considers s/he has been affected in a right or a legitimate interest by a public authority, through an administrative act or by not solving an application within the legal deadline, may address the competent administrative court in order to cancel the act, to recognize the claimed right or the legitimate interest and to repair any caused damage. Legitimate interest may be both private and public.” (art. 1 of Law on administrative law no. 554/2004, as subsequently amended and supplemented).

Conclusions

Autonomous administrative authorities represent a modernisation of the way to govern a state and a reinforcement of the administrative system by limiting the action of the political sphere and groups of various interests, in sensitive fields that require protection from impartial and disinterested bodies. The mission of autonomous administrative authorities includes the regulation and fight against conflicts arising in sectors such as: national defence, protection of citizens' fundamental rights, fighting discrimination, economic activity, trade, audiovisual, the private pensions system, etc. Depending on their field of activity, autonomous administrative authorities have a range of powers that make their actions effective; otherwise, their role would be merely decorative. The assignment of powers to autonomous administrative authorities should not give the impression that they are a state within a state; however, they need some freedom of decision and action in order to effectively achieve their goals.

However, as it happens with any entity having its own power, autonomous administrative authorities may end by abusing the power they were granted, establishing discretionary rules, forgetting about the principles of rule of law and even create parallel realities. In order to avoid such abnormalities, their creator has limited their powers and has provided for the possibility that, when a person considers that an interest has been affected through the acts of these institutions, s/he may appeal it in an administrative court, so as to maintain a balance between law and a proper functioning of society.

References:

- Bertrand Faure, *Proceedings of the Constitutional Council no. 19* (2006). Retrieved from: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/nouveaux-cahiers-du-conseil/cahier-n-19/le-probleme-du-pouvoir-reglementaire-des-autorites-administratives-secondaires.51893.html>, accessed 01.02.2017.
- Conseil d'État, (2001). *Autonomous administrative authorities: public report from 2001*, available at <http://www.conseil-etat.fr/Decisions-Avis-Publications/Etudes-Publications/Rapports-Etudes/Les-autorites-administratives-independantes-Rapport-public-2001>, accessed 01.02.2017.
- Decision no. 96-378 of 23 July 1996*, (1996). Retrieved from: <http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par->

The Powers and Limit of Powers of Autonomous Administrative Authorities

- date/decisions-depuis-1959/1996/96-378-dc/decision-n-96-378-dc-du-23-juillet-1996.10818.html, accessed 01.02.2017.
- Colliard, C. A, Timsit, G., Autin, J. (1988). *Les autorités administratives indépendantes - Independent administrative authorities*, Paris: Presses Universitaires de France.
- Gentot, M. (1994). *Les autorités administratives indépendantes - Autonomous administrative authorities* 2nd edition, Paris: Montchrestien Publishing House.
- Gîrleşteanu, G. (2011). *Autorităţi administrative autonome - Autonomous administrative authorities*, Craiova: Universul Juridic Publishing House.
- Guédon, M. J. (1991). *Les autorités administratives indépendantes - Autonomous administrative authorities*, Paris: LGDJ Publishing House.
- Independent administrative authorities: assessment of a not identified legal object, 2006. Retrieved from: <https://www.senat.fr/rap/r05-404-1/r05-404-12.html>, accessed 05.02.2017.
- Independent administrative authorities. Retrieved from: http://lexinter.net/JF/autorites_administratives_independantes.htm, accessed 05.02.2017
- Law on competition no. 21/1996, (1996), (translation into English:) republished, Official Gazette no. 153 of 29.02.2016.
- Law on administrative law no. 554/2004, (2004), (with subsequent amendments), Official Gazette no. 1154 of 07.12.2004.
- Law no. 102/2005 on the creation, organisation and operation of the National Supervisory Authority for Personal Data Processing, (2005), (with subsequent amendments), Official Gazette no. 391 of 09.05.2005.
- Law no. 109/1997 on the organisation and operation of the Economic and Social Council, (1997), (with subsequent amendments), *Official Gazette* no. 141 of 07.07.1997.
- Law no. 14/1992 on the organisation and operation of the Romanian Intelligence Service, (1992) (with subsequent amendments), *Official Gazette* no. 33 of 03.03.1992.
- Law no. 144/2007 on the creation, organisation and operation of the National Agency for Integrity, (2007), republished (with subsequent amendments), *Official Gazette* no. 535 of 03.08.2009.
- Law no. 19/2003 on the organisation and operation of the National Press Agency AGERPRES, (2003) (with subsequent amendments), *Official Gazette* no. 34 of 22.01.2003.
- Law no. 208/2015 on the election of the Senate and Chamber of Deputies, as well as on the organisation and operation of the Permanent Electoral Authority, *Official Gazette* no. 553 of 24.07.2015.
- Law no. 317/2004 on the Superior Council of Magistracy, (2004), republished (with subsequent amendments), *Official Gazette* no. 628 of 01.09.2012.
- Law no. 35/1997 on the organisation and operation of the Public Ombudsman, (1997), republished (with subsequent amendments), *Official Gazette* no. 277 of 15.04.2014.
- Law no. 415/2002 on the organisation and operation of the Superior National Defence Board, (2002) (with subsequent amendments), *Official Gazette* no 494 of 10.07.2002.
- Law no. 504/2002 on audiovisual, (2002) (with subsequent amendments), Official Gazette no. 534 of 22.07.2002.
- Law on the creation, organisation and operation of the Legislative Council no. 73/1993, (1993), republished (with subsequent amendments), *Official Gazette* no 1122 of 29.11.2004.
- Emergency Ordinance no. 24/2008 on accessing one's own files and de-conspiracy of Security, (2008), Official Gazette no. 182 of 10.03.2008.
- Emergency Ordinance no. 50/2005 on the creation, organisation and operation of the Supervisory Board for the Private Pensions System, (2005) (with subsequent amendments), *Official Gazette* no. 509 of 15.06.2005.

Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination (2000), republished, *Official Gazette* no. 166 of 07.03.2014.

Piwnica, E. (2010). The devolution of a power of sanction to the independent administrative authorities, RFDA. Retrieved from: <http://www.dalloz.fr/documentation/lien?famille=revues&dochype=RFDA/CHRON/2010/0140#>, accessed 02.02.2017.

The Constitution of Romania, (2003). Retrieved from: <http://www.cdep.ro/pls/dic/site.page?id=339>.

Article Info

Received: May 19 2017

Accepted: July 20 2017
