

Preamble

The French people hereby solemnly proclaim their dedication to the Rights of Man and the principle of national sovereignty as defined by the Declaration of 1789, reaffirmed and complemented by the Preamble to the 1946 Constitution.

By virtue of these principles and that of the free determination of peoples, the Republic offers to the Overseas Territories expressly desiring this to adhere to them new institutions based on the common ideal of liberty, equality, and fraternity and conceived with a view to their democratic evolution.

[Title 0 Community]

Article 1 [Institution of Community]

- (1) The Republic and the peoples of the Overseas Territories who, by free determination, adopt the present Constitution thereby institute a Community.
- (2) The Community shall be based on the equality and solidarity of the peoples composing it.

Title I Sovereignty

Article 2 [State Form and Symbols]

- (1) France is an indivisible, secular, democratic, and social Republic. It ensures the equality of all citizens before the law, without distinction as to origin, race, or religion. It respects all beliefs.
- (2) The language of the Republic is French.
- (3) The national emblem is the blue, white, and red tricolor flag.
- (4) The national anthem is the "Marseillaise".
- (5) The Motto of the Republic is "Liberty, Equality, Fraternity".
- (6) Its principle is government of the people, by the people, and for the people.

Article 3 [Electoral Rights]

- (1) National sovereignty belongs to the people, who exercise it through their representatives and by means of referendums.
- (2) No section of the people, nor any individual, may abrogate to themselves or to him or herself the exercise thereof.
- (3) Suffrage may be direct or indirect under the terms stipulated by the Constitution. It shall always be universal, equal, and secret.
- (4) All French citizens of both sexes who have attained their majority and enjoy civil and political rights may vote under the conditions determined by law.

Article 4 [Political Parties]

Political parties and groups shall be instrumental in the exercise of the suffrage. They shall be freely formed and shall freely carry on their activities. They must respect the principles of national sovereignty and democracy.

Title II The President of the Republic

Article 5 [Presidential Office]

- (1) The President of the Republic shall see that the Constitution is observed. He shall ensure, by his arbitration, both the proper functioning of the governmental authorities and the continuity of the State.
- (2) He shall be the guarantor of national independence, the integrity of the territory and observance of Community agreements, and of treaties.

Article 6 [Term of Presidency]

The President of the Republic shall be elected for seven years by direct universal suffrage. The procedures implementing this Article shall be laid down in an organic act.

Article 7 [Election of President]

- (1) The President of the Republic shall be elected by an absolute majority of the votes cast. If this is not obtained on the first ballot, there shall be a second ballot on the next Sunday but one. Only the two candidates who have won the greatest number of votes in the first ballot may stand in it, after taking into account, if applicable, any withdrawals of candidates who have received a higher vote.
- (2) Voting shall begin at the formal summons of the Government.
- (3) The election of the new President shall take place not less than twenty days and not more than thirty-five days before the expiry of the powers of the President in office.
- (4) In the event of the Presidency of the Republic falling vacant for any cause whatsoever, or of an impediment being formally recorded by the Constitutional Council upon referral to it by the Government and ruling by an absolute majority of its members, the functions of the President of the Republic, with the exception of those laid down in Articles 11 and 12 below, shall be temporarily exercised by the President of the Senate, or, if the latter is in his turn impeded from exercising these functions, by the Government. In the event of a vacancy, or when the impediment is declared permanent by the Constitutional Council, polling for the election of a new President shall take place, except in cases of force majeure formally recognized by the Constitutional Council, not less than twenty days and not more than thirty-five days after the beginning of the vacancy or the declaration of the permanence of the impediment. If one of the persons who publicly announced their decision to stand for election less than thirty days before the final date for lodging the presentations of candidature dies or is otherwise prevented within seven days prior to that date, the Constitutional Council may decide to postpone the election.
- (5) If one of the candidates dies or is otherwise prevented before the first ballot, the Constitutional Council shall pronounce the postponement of the election.
- (6) Should one of the candidates heading the poll in the first ballot die or be otherwise prevented prior to any withdrawals, the Constitutional Council shall declare that the election procedure must be repeated in full; the same shall apply in the event of one of the candidates standing in the second ballot dying or being otherwise prevented.
- (7) All cases shall be referred to the Constitutional Council in the manner set out in the second paragraph of Article 61 below or determined for the presentation of candidates in the organic act provided for in Article 6 above.
- (8) The Constitutional Council may extend the periods stipulated in the third and fifth paragraphs, provided that polling takes place not later than thirty-five days after the Constitutional Council's decision. If implementation of the provisions of this paragraph results in the postponement of the election to a date after the expiry of the powers of the President in office, the latter shall remain in office until the proclamation of his successor.
- (9) Neither Articles 9 and 50 nor Article 89 of the Constitution may be applied while the Presidency of the Republic is vacant, nor during the period between the declaration of the permanence of the impediment preventing the President of the Republic from discharging his duties and the election of his successor.

Article 8 [Prime Minister]

- (1) The President of the Republic shall appoint the Prime Minister. He shall terminate that appointment when the latter tenders the resignation of the Government.
- (2) On the proposal of the Prime Minister, he shall appoint the other members of the Government and terminate their appointments.

Article 9 [Council of Ministers]

The President of the Republic shall preside over the Council of Ministers.

Article 10 [Promulgation, Veto]

- (1) The President of the Republic shall promulgate laws within fifteen days following the transmission to the Government of the said laws as finally adopted.
- (2) He may, before expiry of this time limit, ask Parliament to reconsider a law or certain of its articles. This reconsideration may not be refused.

Article 11 [Referendum]

- (1) The President of the Republic may, on the proposal of the Government during sessions, or on a joint motion of the two Assemblies published in the Official Journal, submit to a referendum any bill dealing with the organization of the governmental authorities, entailing approval of a Community agreement or providing for authority to ratify a treaty which, though not unconstitutional, would affect the functioning of [existing] institutions.
- (2) When the referendum decides in favor of the bill, the President of the Republic shall promulgate it within the time limit stipulated in the preceding article.

Article 12 [Dissolution of National Assembly]

- (1) The President of the Republic may, after consultation with the Prime Minister and the Presidents of the Assemblies, pronounce the dissolution of the National Assembly. A General election shall take place not less than twenty days and not more than forty days after the dissolution.
- (2) The National Assembly shall meet ipso jure on the second Thursday following its election. If this meeting takes place outside the periods provided for ordinary sessions, a session shall ipso jure be held for a fifteen-day period.
- (3) No further dissolution may take place within a year following this election.

Article 13 [Powers of President and Council of Ministers]

- (1) The President of the Republic shall sign the ordinances and orders decided upon in the Council of Ministers.
- (2) He shall make appointments to the civil and military posts of the State.
- (3) Conseillers d'Etat, the Grand Chancelier de la Legion d'Honneur, Ambassadors and envoys extraordinary, Conseillers Maitres of the Cour des Comptes, Prefects,

Government representatives in the Overseas Territories, General Officers, Recteurs d'academies and Directors of central administrations shall be appointed by the Council of Ministers.

(4) An organic act shall determine the other posts to be filled by decision of the Council of Ministers, together with the conditions under which the power of appointment of the President of the Republic may be delegated by him and exercised in his name.

Article 14 [Diplomatic Affairs]

The President of the Republic shall accredit Ambassadors and envoys extraordinary to foreign powers; foreign Ambassadors and envoys extraordinary shall be accredited to him.

Article 15 [Commander in Chief of Armed Forces]

The President of the Republic shall be commander-in-chief of the armed forces. He shall preside over the Higher National Defence councils and committees.

Article 16 [State of Emergency]

(1) When the institutions of the Republic, the independence of the nation, the integrity of its territory, or the fulfillment of its international commitments are under grave and immediate threat and when the proper functioning of the constitutional governmental authorities is interrupted, the President of the Republic shall take the measures demanded by these circumstances after official consultation with the Prime Minister, the Presidents of the Assemblies, and the Constitutional Council.

(2) He shall inform the nation of these measures by a message.

(3) These measures must be prompted by a will to ensure within the shortest possible time that the constitutional governmental authorities have the means of fulfilling their duties. The Constitutional Council shall be consulted with regard to such measures.

(4) Parliament shall meet ipso jure.

(5) The National Assembly may not be dissolved during the exercise of emergency powers.

Article 17 [Right of Pardon]

The President of the Republic shall have the right of pardon.

Article 18 [Messages to Parliament]

(1) The President of the Republic shall communicate with the two parliamentary Assemblies by means of messages, of which he shall order a reading and which shall not give rise to any debate.

(2) Between sessions, Parliament shall be convened especially for this purpose.

Article 19 [Countersignature of Prime Minister]

Official decisions of the President of the Republic other than those provided for under Articles 8 (1), 11, 12, 16, 18, 54, 56 and 61 shall be countersigned by the Prime Minister and, where applicable, by the responsible ministers.

Title III The Government

Article 20 [Governmental Functions]

(1) The Government shall determine and conduct the policy of the nation.

(2) It shall have at its disposal the administration and the armed forces.

(3) It shall be responsible to Parliament under the conditions and in accordance with the procedures stipulated in Articles 49 and 50.

Article 21 [Head of Government]

(1) The Prime Minister shall direct the conduct of government affairs. He shall be responsible for national defence. He shall ensure the implementation of legislation. Subject to the provisions of Article 13, he shall exercise the power to make regulations and to make appointments to civil and military posts.

(2) He may delegate certain of his powers to Ministers.

(3) Should the occasion arise, he shall deputize for the President of the Republic as chairman of the councils and committees provided for under Article 15.

(4) On an exceptional basis, he may deputize for him as chairman of a meeting of the Council of Ministers by explicit delegation and for a specific agenda.

Article 22 [Countersignature of Ministers]

The official decisions of the Prime Minister shall be countersigned, where appropriate, by the ministers responsible for their implementation.

Article 23 [Incompatibility]

(1) Membership of the Government shall be incompatible with the exercise of any Parliamentary mandate, with the holding of any representational office at national level in a trade organization, and with any public employment or professional activity.

(2) An organic act shall determine the conditions under which the holders of such mandates, offices, or employment shall be replaced.

(3) Members of Parliament shall be replaced in accordance with the provisions of Article 25.

Title IV Parliament

Article 24 [National Assembly, Senate]

(1) Parliament shall consist of the National Assembly and the Senate.

(2) Deputies of the National Assembly shall be elected by direct suffrage.

(3) The Senate shall be elected by indirect suffrage. It shall ensure the representation of the territorial entities of the Republic. French nationals living outside France shall be represented in the Senate.

Article 25 [Election Act]

(1) An organic act shall determine the term for which each Assembly is elected, the number of its members, their emoluments, the conditions of eligibility and ineligibility and the offices incompatible with membership of the Assemblies.

(2) It shall likewise lay down the conditions governing the election, in the event of a vacancy, of persons to replace deputies or senators whose seats have been vacated until new general or partial elections are held for the Assembly concerned.

Article 26 [Indemnity, Immunity]

(1) No member of Parliament may be prosecuted or subjected to inquiry, arrest, detention, or trial on account of opinions expressed or votes cast in the course of his or her duties.

(2) No member of Parliament may, during parliamentary sessions, be prosecuted or arrested for a felony or misdemeanor without the authority of the Assembly of which he or she is a member, except in cases of flagrante delicto.

(3) When Parliament is not in session, no member of Parliament may be arrested without the authority of the bureau of the Assembly of which he or she is a member, except in the case of flagrante delicto, authorized prosecution, or final sentence.

(4) The detention or prosecution of a member of Parliament shall be suspended if the Assembly of which he or she is a member so demands.

Article 27 [Unrestricted Decisions]

(1) All mandatory instructions shall be null and void.

(2) The right to vote of the members of Parliament shall be personal.

(3) An organic act may, exceptionally, authorize the delegation of a vote. In this case, no member may be delegated to cast more than one vote.

Article 28 [Parliamentary Sessions]

(1) Parliament shall convene ipso jure in two ordinary sessions per year.

(2) The first session shall begin on 2 April and last for thirty days.

(3) The second session shall open on 2 October and last for not more than ninety days.

(4) If 2 October or 2 April is a public holiday, the session shall open on the first working day thereafter.

Article 29 [Extraordinary Sessions]

(1) Parliament shall convene in extraordinary session, at the request of the Prime Minister or of a majority of the members of the National Assembly, to consider a specific agenda.

(2) When an extraordinary session is held at the request of the members of the National Assembly, the closure order shall take effect as soon as Parliament has exhausted the agenda for which it was convened and at the latest twelve days from the opening date of the session.

(3) Only the Prime Minister may request a further session before the end of the month following the closure order.

Article 30 [Opening and Closing Procedure]

Apart from cases in which Parliament meets ipso jure, extraordinary sessions shall be opened and closed by order of the President of the Republic.

Article 31 [Presence of Government]

(1) The members of the Government shall have access to the two Assemblies. They shall be heard when they so request.

(2) They may call for the assistance of government commissioners.

#### Article 32 [Presidents of National Assembly and Senate]

The President of the National Assembly shall be elected for the duration of the legislature. The President of the Senate shall be elected after each partial renewal.

#### Article 33 [Publicity]

(1) The meetings of the two Assemblies shall be public. A full report of the debates shall be published in the Official Journal.

(2) Each Assembly may sit in secret committee at the request of the Prime Minister or of one tenth of its members.

#### Title V Relations Between Parliament and Government

#### Article 34 [Legislative Powers]

(1) All legislation shall be passed by Parliament.

(2) Legislation shall establish the rules concerning:

- civil rights and the fundamental guarantees granted to the citizens for the exercise of their public liberties; the national defence obligations imposed on citizens in respect of their

persons or property;

- nationality, status, and capacity of persons, property rights arising out of a matrimonial relationship, inheritance, and gifts;

- determination of felonies and misdemeanors, together with the penalties applicable to them; criminal procedure; amnesty; the creation of new jurisdictions and the status of judges;

- the assessment bases, rates, and methods of collecting taxes of all types; the issuance of currency.

(3) Legislation shall likewise determine the regulations concerning:

- the electoral systems of the parliamentary Assemblies and local Assemblies;

- the creation of categories of public establishments;

- the fundamental guarantees granted to civil and military personnel employed by the State;

- company nationalizations and transfers of company ownership from the public to the private sector.

(4) Legislation shall determine the fundamental principles of:

- the general organization of national defence;

- free local government and the powers and resources of local authorities;

- education;

- the rules governing property rights, chattels real, civil and commercial obligations;

- labor and trade-union law and social security.

(5) Finance acts shall determine the financial resources and obligations of the State, subject to the conditions and reservations laid down in an organic act.

(6) Program acts shall specify the objectives of State economic and social policy.

(7) The provisions of this article may be developed in detail and amplified by an organic act.

#### Article 35 [Declaration of War]

A declaration of war must be authorized by Parliament.

#### Article 36 [Declaration of Martial War]

(1) Martial law shall be declared in a meeting of the Council of Ministers.

(2) Parliament alone may authorize its extension beyond twelve days.

#### Article 37 [Regulations]

(1) Matters other than those that fall within the sphere of legislation shall be determined by regulation.

(2) Legislation concerning these matters may be amended by orders issued after consultation with the Conseil d'Etat. Any such legislative texts introduced after this Constitution has entered into force shall be amended by order only if the Constitutional Council has pronounced that the matters they deal with fall within the field subject to regulation as defined in the preceding paragraph.

#### Article 38 [Ordinances]

(1) The Government may, in order to carry out its program, ask Parliament to authorize it, for a limited period, to take by ordinance measures normally within the legislative sphere.

(2) Ordinances shall be enacted in meetings of the Council of Ministers after consultation with the Conseil d'Etat. They shall come into force upon their publication, but shall become null and void if the bill for their ratification is not submitted to Parliament before the date set by the enabling act.

(3) Upon expiry of the period referred to in the first paragraph of this article, the ordinances may be amended only by act of Parliament in respect of those matters which are within the legislative domain.

#### Article 39 [Right to Initiative]

(1) The Prime Minister and the members of Parliament have concurrent rights to initiate legislation.

(2) Government bills shall be discussed in the Council of Ministers after consultation with the Conseil d'Etat and shall be tabled in one of the two Assemblies. Finance bills shall be submitted first to the National Assembly.

#### Article 40 [Private Members' Bills]

Private members' bills and amendments shall be inadmissible if their adoption would have the effect of reducing public revenue or of creating or increasing an item of public expenditure.

#### Article 41 [Declaration of Inadmissibility]

(1) If it is found in the course of the legislative procedure that a private member's bill or amendment is not within the domain of law or is contrary to a delegation granted by virtue of Article 38, the Government may declare its inadmissibility.

(2) In the event of disagreement between the Government and the President of the Assembly concerned, the Constitutional Council, at the request of either party, shall rule within eight days.

#### Article 42 [Discussion of Bills]

(1) In the first Assembly to which it is referred, a government bill shall be discussed on the basis of the text put forward by the Government.

(2) An Assembly which has before it a bill passed by the other Assembly shall deliberate on the text transmitted to it.

#### Article 43 [Referral to Committees]

(1) Government and private members' bills shall, at the request of the Government or of the Assembly considering them, be referred for examination to committees specially appointed for this purpose.

(2) Government and private members' bills for which such a request has not been made shall be referred to one of the standing committees, the number of which shall be limited to six in each Assembly.

#### Article 44 [Altering Bills]

(1) Members of Parliament and the Government shall have the right of amendment.

(2) After the opening of the debate, the Government may object to any amendment being considered which has not previously been submitted to committee.

(3) If the Government so requests, the Assembly concerned shall decide, in a single vote, on all or part of the text under discussion, retaining only the amendments proposed or accepted by the Government.

#### Article 45 [Legislative Conflicts]

(1) If, owing to disagreement between the two Assemblies, it has proved impossible to adopt a government or private member's bill after two readings by each Assembly, or, if the Government has declared the matter urgent, after a single reading by each of them, the Prime Minister shall have the right to call for a meeting of a joint committee composed of an equal number of members of each Assembly, to propose a text on the matters still under discussion.

(2) The text drafted by the joint committee may be submitted by the Government to the two Assemblies for approval. No amendment shall be admissible except by agreement with the Government.

(3) If the joint committee fails to agree on a common text, or if this text is not adopted under the conditions set forth in the preceding paragraph, the Government may, after a further reading by the National Assembly and Senate, ask the National Assembly to make a final decision. In this event, the National Assembly may return either to the text drafted by the joint committee, or to the last text passed by itself, modified, if applicable, by one or more of the amendments adopted by the Senate.

#### Article 46 [Legislative Procedures]

(1) Acts defined under the Constitution as organic shall be passed and amended as follows:

(2) A government or private member's bill shall be submitted for discussion and to a vote in the first Assembly in which it has been tabled not less than fifteen days

after that tabling.

(3) The procedure of Article 45 shall be applicable. Nevertheless, in the absence of agreement between the two Assemblies, a bill may be adopted by the National Assembly on final reading only by an absolute majority of its members.

(4) Organic acts relating to the Senate must be passed in the same wording by the two Assemblies.

(5) Organic acts may be promulgated only after the Constitutional Council has declared them constitutional.

#### Article 47 [Finance Bill Procedures]

(1) Parliament shall pass finance bills under the conditions stipulated by an organic act.

(2) Should the National Assembly fail to reach a decision at the first reading within forty days of a bill being tabled, the Government shall refer it to the Senate, which must come to a decision within fifteen days. The procedure set forth in Article 45 shall then apply.

(3) Should Parliament fail to reach a decision within seventy days, the provisions of the bill may be brought into force by ordinance.

(4) Should the finance bill establishing the revenue and expenditure of a fiscal year not be tabled in time for its promulgation before the beginning of that fiscal year, the Government shall, on an emergency basis, ask Parliament for authority to collect taxes and shall make available by order the funds needed to provide for services already approved.

(5) The time limits stipulated in this article shall be suspended when Parliament is not sitting.

(6) The Cour des Comptes shall assist Parliament and the Government in supervising the implementation of the finance acts.

#### Article 48 [Order of Deliberation]

(1) The discussion of bills tabled by the Government and of private members' bills agreed to by it shall have priority on the agendas of the Assemblies in the order decided by the Government.

(2) One meeting per week shall be reserved in priority for members' questions and the Government's replies.

#### Article 49 [Policy Discussions, Motion of Censure]

(1) The Prime Minister, after deliberation by the Council of Ministers, may commit the Government's responsibility before the National Assembly with regard to its program or, should the occasion arise, to a statement of general policy.

(2) The National Assembly may challenge the responsibility of the Government by passing a motion of censure. Such a motion shall be admissible only if signed by at least one tenth of the members of the National Assembly. The vote may not take place until forty-eight hours after the motion has been tabled; the only votes counted shall be those in favor of the motion of censure, which may be adopted only by a majority of the membership of the Assembly. Should the motion of censure be rejected, its signatories may not introduce another such motion in the course of the same session, except in the case provided for in the following paragraph.

(3) The Prime Minister may, after deliberation by the Council of Ministers, commit the Government's responsibility to the National Assembly on the passing of a bill. In this case, the text shall be regarded as carried unless a motion of censure, tabled within the succeeding twenty-four hours, is passed under the conditions laid down in the previous paragraph.

(4) The Prime Minister may ask the Senate to approve a general policy statement.

#### Article 50 [Resignation of Government]

If the National Assembly adopts a motion of censure, or rejects the Government's program or a general policy statement by the latter, the Prime Minister must tender the Government's resignation to the President of the Republic.

#### Article 51 [Postponed Closure of Session]

The closure of ordinary or extraordinary sessions shall be postponed ipso jure, should the occasion arise, in order to apply the provisions of Article 49.

#### Title VI Treaties and International Agreements

##### Article 52 [President's Powers]

(1) The President of the Republic shall negotiate and ratify treaties.

(2) He shall be informed of all negotiations leading to the conclusion of an international agreement not subject to ratification.

##### Article 53 [Important Treaties]

(1) Peace treaties, commercial treaties and treaties, or agreements relating to international organization, or implying a financial commitment on the part of the State, or modifying provisions of a legislative nature, or relating to the status of persons, or entailing a cession, exchange or adjunction of territory, may be ratified or approved only by act of Parliament.

(2) They shall take effect only after having been ratified or approved.

(3) No cession, exchange, or adjunction of territory shall be valid without the consent of the populations concerned.

##### Article 54 [Constitutional Revisions for Ratification]

If, upon the demand of the President of the Republic, the Prime Minister or the President of one or other Assembly or sixty deputies or sixty senators, the Constitutional Council has ruled that an international agreement contains a clause contrary to the Constitution, the ratification or approval of this agreement shall not be authorized until the Constitution has been revised.

##### Article 55 [Force of Law, Principle of Reciprocity]

Duly ratified or approved treaties or agreements shall, upon their publication, override laws, subject, for each agreement or treaty, to its application by the other party.

#### Title VII The Constitutional Council

##### Article 56 [Membership]

(1) The Constitutional Council shall consist of nine members, whose term of office shall last nine years and shall not be renewable. One third of the membership of the Constitutional Council shall be renewed every three years. Three of its members shall be appointed by the President of the Republic, three by the President of the National Assembly, three by the President of the Senate.

(2) In addition to the nine members provided for above, former Presidents of the Republic shall be ex officio life members of the Constitutional Council.

(3) The President shall be appointed by the President of the Republic. He shall have the casting vote in the event of a tie.

##### Article 57 [Incompatibility]

The office of member of the Constitutional Council shall be incompatible with that of minister or member of Parliament. Other incompatibilities shall be determined by an organic act.

##### Article 58 [Control of Presidential Elections]

(1) The Constitutional Council shall ensure the regularity of the election of the President of the Republic.

(2) It shall examine complaints and proclaim the results of the vote.

##### Article 59 [Control of Assembly Elections]

The Constitutional Council shall rule, in the case of a dispute, on the regularity of elections of deputies and senators.

##### Article 60 [Control of Referendums]

The Constitutional Council shall ensure the regularity of referendums and proclaim the results thereof.

##### Article 61 [Control of Parliamentary Acts]

(1) Organic acts, before their promulgation, and standing orders of the parliamentary Assemblies, before their implementation, must be submitted to the Constitutional Council which shall rule on their constitutionality.

(2) To the same end, acts of Parliament may, before their promulgation, be submitted to the Constitutional Council by the President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, sixty deputies or sixty senators.

(3) In the cases provided for by the two preceding paragraphs, the Constitutional Council must rule within one month. However, at the Government's request, this period shall be reduced to eight days if a matter is urgent.

(4) In these same cases, referral to the Constitutional Council shall suspend the time limit for promulgation.

##### Article 62 [Voidability by Control]

(1) A provision declared unconstitutional may not be promulgated or implemented.

(2) The decisions of the Constitutional Council shall not be subject to appeal to any jurisdiction. They shall be binding on the governmental authorities and on all administrative and jurisdictional authorities.

##### Article 63 [Rules of Procedure]

An organic act shall determine the organizational and operational rules of the Constitutional Council, the procedure to be followed before it, and in particular the periods of time allowed for referring disputes to it.

#### Title VIII The Judiciary

#### Article 64 [Independence]

- (1) The President of the Republic shall be the guarantor of the independence of the Judiciary.
- (2) He shall be assisted by the Conseil Supérieur de la Magistrature.
- (3) An organic act shall determine the status of members of the Judiciary.
- (4) Judges may not be removed from office.

#### Article 65 [Conseil Supérieur]

- (1) The Conseil Supérieur de la Magistrature shall be presided over by the President of the Republic. The Minister of Justice shall be its ex officio Vice-President. He may deputize for the President of the Republic.
- (2) The Conseil Supérieur shall, in addition, comprise nine members appointed by the President of the Republic under the terms laid down by an organic act.
- (3) The Conseil Supérieur shall make proposals for appointments of Judges of the Cour de Cassation and of Presiding Judges of the Courts of Appeal. It shall give its opinion, under the conditions stipulated by the organic act, on the proposals of the Minister of Justice relative to appointments of other judges. It shall be consulted on questions of pardon under conditions determined by an organic act.
- (4) The Conseil Supérieur shall act as the disciplinary council for judges. In such cases, it shall be presided over by the Presiding Judge of the Cour de Cassation.

#### Article 66 [Personal Freedom]

- (1) No one may be arbitrarily detained.
- (2) The Judiciary, guardian of individual liberty, shall enforce this principle under the conditions stipulated by legislation.

#### Title IX The High Court of Justice

##### Article 67 [Membership]

- (1) A High Court of Justice shall be instituted.
- (2) It shall be composed of members elected in equal number by the National Assembly and the Senate from within their ranks after each general or partial election to these Assemblies. It shall elect its President from among its members.
- (3) An organic law shall determine the composition of the High Court, its operating rules and the procedure to be followed before it.

##### Article 68 [Liability of President and Government]

- (1) The President of the Republic shall not be held accountable for actions performed in the exercise of his office except in the case of high treason. He may be indicted only by the two Assemblies ruling by identical vote in open balloting and by an absolute majority of their members. He shall be tried by the High Court of Justice.
- (2) The members of the Government shall be criminally liable for actions performed in the exercise of their office and deemed to be felonies or misdemeanors at the time they were committed. The procedure defined above shall be applied to them and to their accomplices, in the case of a conspiracy against the security of the State. In the cases provided for by this paragraph, the High Court shall be bound by the definition of felonies and misdemeanors, as well as by the determination of penalties as laid down by the criminal law in force when the acts are committed.

#### Title X The Economic and Social Council

##### Article 69 [Opinion on Bills]

- (1) The Economic and Social Council shall, upon referral to it by the Government, give its opinion on government bills, draft ordinances and orders, and private members' bills submitted to it
- (2) A member of the Economic and Social Council may be designated by it to present before the parliamentary Assemblies the Council's opinion on the Government or private members' bills submitted to it.

##### Article 70 [Consultation]

The Economic and Social Council may likewise be consulted by the Government on any problem of an economic or social nature concerning the Republic or the Community. Any plan or program bill of an economic or social nature shall be submitted to it for its advice.

##### Article 71 [Membership]

The composition of the Economic and Social Council and its rules of procedure shall be determined by an organic act.

#### Title XI Territorial Entities

##### Article 72 [Definition, Creation, Self-Government]

- (1) The territorial entities of the Republic are the communes, departments, and overseas territories. Any other territorial entities shall be created by legislation.
- (2) These entities shall freely govern themselves through elected councils and under the conditions stipulated by legislation.
- (3) In the departments and territories, the Government Delegate shall be responsible for the national interests, administrative supervision, and law enforcement.

##### Article 73 [Adjustments for Overseas Departments]

Measures of adjustment required by the particular circumstances of the overseas departments may be taken with regard to their legislative system and administrative organization.

##### Article 74 [Overseas Territories]

- (1) The overseas territories of the Republic shall have a special organization taking account of their specific interests within the general interests of the Republic.
- (2) The status of the Overseas Territories shall be determined by constitutional enactments defining, in particular, the powers of their own institutions; changes to their status can be made in the same form, after consultation of the territorial assembly concerned.
- (3) The other aspects of their particular structure are defined and modified by Act of Parliament, after consultation of the territorial assembly concerned.

##### Article 75 [Civil Status]

Citizens of the Republic who do not have ordinary civil status as referred to in Article 34 shall retain their personal status as long as they have not renounced it.

##### Article 76 [Territorial Status, National Self-Determination]

- (1) The Overseas Territories may retain their status within the Republic.
- (2) If they express a will to do so by decision of their Territorial Assemblies taken within the time limit set in the first paragraph of Article 91, they shall become overseas departments of the Republic or, either jointly or severally, member States of the Community.

#### Title XII The Community

##### Article 77 [Autonomy]

- (1) In the Community instituted under this Constitution, the States shall enjoy autonomy; they shall conduct their own administration and manage their own affairs democratically and freely.
- (2) There shall be only one citizenship of the Community.
- (3) All citizens shall be equal before the law, regardless of their origin, race or religion. They shall have the same duties.

##### Article 78 [Common Jurisdiction]

- (1) The Community's jurisdiction shall cover foreign policy, defence, currency, common economic and financial policy, as well as policy on strategic raw materials.
- (2) It shall also include, except in the case of specific agreements, supervision of justice, higher education and the general organization of external transport, transport within the Community, and telecommunications.
- (3) Special agreements may create other common jurisdictions or regulate any transfer of jurisdiction from the Community to one of its members.

##### Article 79 [Transitional Regulations]

- (1) The member States shall benefit from the provisions of Article 77 as soon as they have exercised the choice set out in Article 76.
- (2) Until the measures required for implementation of this title come into force, matters within the common jurisdiction shall be regulated by the Republic.

##### Article 80 [Representation and Institutions]

- (1) The President of the Republic shall preside over and represent the Community.
- (2) The institutional organs of the Community shall be an Executive Council, a Senate, and a Court of Arbitration.

##### Article 81 [Mutual Representation]

- (1) The member States of the Community shall participate in the election of the President in accordance with the conditions stipulated in Article 6.
- (2) The President of the Republic, in his capacity as President of the Community, shall be represented in each State of the Community.

##### Article 82 [Executive Council]

- (1) The Executive Council of the Community shall be presided over by the President of the Community. It shall consist of the Prime Minister of the Republic, the Heads of Government of each of the member States of the Community, and the ministers responsible for matters common to the Community.
- (2) The Executive Council shall organize the cooperation of members of the Community at government and administrative levels.
- (3) The organization and procedure of the Executive Council shall be determined by an organic act.

#### Article 83 [Senate of the Community]

- (1) The Senate of the Community shall be composed of delegates chosen by the Parliament of the Republic and the legislative Assemblies of the other Community members from among their own memberships. The number of delegates of each State shall be determined according to its population and the responsibilities it assumes in the Community.
- (2) It shall hold two sessions a year, each of which shall be opened and closed by the President of the Community and may not last longer than one month.
- (3) At the behest of the President of the Community, it shall deliberate on common economic and financial policy prior to legislation on these matters being voted upon by the Parliament of the Republic and, as and when applicable, by the legislative Assemblies of the other Community members.
- (4) The Senate of the Community shall examine the acts and treaties or international agreements referred to in Articles 35 and 53 and which commit the Community.
- (5) It shall make enforceable decisions in the domains in which it has received delegation of power from the legislative Assemblies of the Community members. These decisions shall be promulgated in the same form as legislation in the territory of each of the States concerned.
- (6) An organic act shall determine its composition and rules of procedure.

#### Article 84 [Court of Arbitration]

- (1) A Court of Arbitration of the Community shall rule on litigation occurring between members of the Community.
- (2) Its composition and jurisdiction shall be determined by an organic act.

#### Article 85 [Alteration of this Title]

- (1) Notwithstanding the procedure provided for in Article 89, the provisions of this title that concern the functioning of the common institutions shall be amendable by identically worded acts passed by the Parliament of the Republic and the Senate of the Community.
- (2) The provisions of this title may also be amended by agreements concluded between all the States of the Community; the new provisions shall be brought into force under the conditions required by the Constitution of each State.

#### Article 86 [Change of Status]

- (1) A change of status of a member State of the Community may be requested, either by the Republic, or by resolution of the legislative Assembly of the State concerned, confirmed by a local referendum organized and supervised by the Community institutions. The terms and conditions of such a change shall be determined by agreement approved by the Parliament of the Republic and the legislative Assembly concerned.
- (2) In the same manner, a member State of the Community may become independent. It shall thereby cease to belong to the Community.
- (3) A member State of the Community may also, by agreement, become independent without thereby ceasing to belong to the Community.
- (4) An independent State outside the Community may, by agreement, join the Community without ceasing to be independent.
- (5) The position of these States within the Community shall be determined by agreements concluded to that end, in particular those referred to in the preceding paragraphs and, where applicable, those provided for in the second paragraph of Article 85.

#### Article 87 [Parliamentary Approval]

The special agreements concluded in implementation of this title shall be approved by the Parliament of the Republic and the legislative Assembly concerned.

#### Title XIII Agreements of Association

##### Article 88 [Association of Other States]

The Republic or the Community may make agreements with States that wish to associate themselves with the Community in order to develop their civilizations.

#### Title XIV Amendment

##### Article 89 [Special Procedures]

- (1) The initiative for amending the Constitution shall belong both to the President of the Republic on the proposal of the Prime Minister and to the members of Parliament.
- (2) A Government or private member's bill for amendment must be passed by the two Assemblies in identical terms. The amendment shall become definitive after approval by referendum.
- (3) Nevertheless, the proposed amendment shall not be submitted to a referendum when the President of the Republic decides to submit it to Parliament convened in Congress; in this case, the proposed amendment shall be approved only if it is accepted by a three-fifths majority of the votes cast. The Bureau of the Congress shall be that of the National Assembly.
- (4) No amendment procedure may be undertaken or followed when the integrity of the territory is in jeopardy.
- (5) The republican form of government shall not be subject to amendment.

#### Title XV Transitional Provisions

##### Article 90 [New Parliament]

- (1) The ordinary session of Parliament is suspended. The mandate of the members of the present National Assembly shall expire on the day that the Assembly elected under this Constitution convenes.
- (2) Until that day, the Government alone shall have the authority to convene Parliament.
- (3) The mandate of the members of the Assembly of the French Union shall expire at the same time as the mandate of the members of the present National Assembly.

##### Article 91 [Other Institutions and Offices]

- (1) The institutions of the Republic provided for by this Constitution shall be established within four months after its promulgation.
- (2) This time limit shall be extended to six months for the Community institutions.
- (3) The powers of the President of the Republic now in office shall expire only when the results of the election provided for in Articles 6 and 7 of this Constitution are proclaimed.
- (4) The member States of the Community shall participate in this first election under the conditions deriving from their status on the date of promulgation of the Constitution.
- (5) The established authorities shall continue to perform their functions in these States in accordance with the legislation and regulations applicable at the time of entry into force of the Constitution, until the authorities provided for by their new regimes are set up.
- (6) Until it is definitively constituted, the Senate shall consist of the present members of the Conseil de la Republique. The organic acts that will determine the definitive composition of the Senate must be passed before July 31, 1959.
- (7) The powers conferred on the Constitutional Council by Articles 58 and 59 of the Constitution shall be exercised, until this Council has been set up, by a committee composed of the Vice President of the Conseil d'Etat, as Chairman, the Presiding Judge of the Cour de Cassation, and the Presiding Judge of the Cour des Comptes.
- (8) The peoples of the member States of the Community shall continue to be represented in Parliament until the measures required to implement Title XII have been put into effect.

##### Article 92 [Establishment by Special Ordinances]

- (1) The legislative measures necessary for the setting up of the institutions and, until they are set up, for the functioning of the governmental authorities, shall be taken by the Council of Ministers, after consultation with the Conseil d'Etat, in the form of ordinances having legislative force.
- (2) During the period laid down in Article 91 (1), the Government shall be authorized to determine, by ordinances having legislative force and passed in the same way, the electoral system of the Assemblies provided for by the Constitution.
- (3) During the same period and under the same conditions, the Government may also, on all matters, take the measures it deems necessary for the life of the nation, the protection of citizens or the safeguarding of liberties.

(Source: [http://www.servat.unibe.ch/icl/fr00000\\_.html](http://www.servat.unibe.ch/icl/fr00000_.html))