

Constitutions of Selected Countries after the Transition from Authoritarian Regimes

Collection of Legal Acts

Vol. 1

 **Estonia**

 **Georgia**

 **Poland**

Edited by

Joanna Marszałek-Kawa

Joanna Piechowiak-Lamparska

Anna Ratke-Majewska

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CONTENT

Introduction	5
The Constitution of the Republic of Estonia	9
The Constitution of Georgia	59
The Constitution of the Republic of Poland	129
Bibliography	205

INTRODUCTION

Transition of a political system is an extremely important process. Transformation from an authoritarian system to a democratic system is a result of deep economic, social, and political transformations. Undoubtedly, the 20th century brought transformation on many levels, both in the intrastate, as well as in the international dimension¹. According to the theory of Jan Szczepański, it is one of the three available ways of conducting social change, apart from reform and revolution². The essence of transformation lies in the endogenic source of the occurring changes, which is particularly important in regard to their direction.

The fundamental goal of a systemic transformation is the intrastate and intrasocietal need for a political rapprochement to those states which are based on a democratic system and market economy. In practice, this means abandoning the authoritarian mode of governing exercised by socialist parties and the centrally steered economy with due consideration to conditions in each case. In most instances, overthrowing the representatives of the authoritarian power is regarded as the starting point of transformation, while adopting a new constitution, or any other essential legal document fundamental to the new system, is considered be its end.

In the first volume presented are the most important documents confirming the completion of the transition process from an authoritarian to a democratic system in three states that belong to the former Eastern Bloc – Estonia, Georgia, and Poland. The goal of showing the broadest possible spectrum of the political transformation process in the abovementioned area was the basis for selection. Apart from a number of common features of that process, the authors, above all, wanted to indicate the differences, which frequently are difficult to detect. Analysing a constitution, as the most important legal document, allows to conduct research on the fundamentals of the political sys-

¹ See S.P. Huntington, *Trzecia fala demokratyzacji* [Third Wave of Democratisation], Warszawa 2009.

² See J. Szczepański, *Reformy, rewolucje, transformacje* [Reforms, Revolutions, Transformations], Warszawa 1999.

tem of a state. A constitution is a document that establishes the fundamental rights, duties and freedoms of citizens, as well as the manner of appointing, organization, and functional framework of the most important institutions. Comparative research on the constitutions of Estonia, Georgia, and Poland leads to highlighting the aforementioned differences. The reason for such a result lies not only different courses of the political transformation process and different geopolitical conditions, but also in differences in the condition of societies and the history of those nations.

The process of political transformation in the states of the former Eastern Bloc started with the fall of the USSR. One should emphasize, however, that in some countries transformations were initiated as early as in the 1980s due to implementing certain elements of the capitalist system and increasing the influences of the opposition. Yet, the introduction of a complete transition could take place only after the communist parties were removed from power. As the most important transformations of the political and economic systems one should mention especially: changing the one-party system to a multiparty system, adopting the principle of absolute division of power into legislative, executive, and judicial, reforming the parliamentary system, conducting the process of privatization of state-owned business entities, conducting deregulation of financial instruments, and conducting a structural reform of the economy.

The course of transition processes in most of the post-Soviet states was similar in spite of different time-frames and pace of implementing changes. In many entities of international law that emerged after the disintegration of the USSR, the process of political transformation has not been finished yet, while in others it is possible to observe a full passage from the authoritarian system to the democratic system. Nevertheless, all states contend with similar political, economic, and, most of all, social problems. Exactly those social problems became the most fundamental negative effect of the changes. One should also pay attention to such issues as degeneration of living conditions of a considerable number of citizens, massive unemployment, and the resulting social tensions, which in many cases lead to protests or strikes. In this context, it is extremely important to build a new political identity of the society, realised also with the use of the politics of memory.

In Estonia, transformation processes began in 1988 with the establishment of the Popular Front of Estonia. As early as in 1989 social movements initiated the formation of civic committees, which engaged in activities

aimed at gaining the independence. On March 30 the Supreme Council of Estonian Soviet Socialist Republic initiated an interim period, during which the name the Republic of Estonia was restored and the Baltic Assembly was re-established. These actions allowed laying the ground for the transition, which began with the collapse of the Soviet Union and proclaiming independence on August 20, 1991, and ended on July 3, 1992, when the new constitution entered into force. As Estonia had been one of the most developed Soviet republics, the transition period was relatively short. The Constitution of Estonia refers back to the previously existing documents, but it is based on standards created by democratic states.

Transformation of the political system in Georgia started in 1991 with the referendum on regaining independence. Independence tendencies had been consolidated during the process of perestroika that began in the previous decade. The declaration of independence and the establishment of the Republic of Georgia took place on April 9, 1991. However, stability of the state was endangered by the internal conflict between the followers of Zviad Gamsakhurdia and Eduard Shevardnadze, as well as by the Georgian-Ossetian War in 1991–1992 and the Georgian-Abkhasian War in 1992–1994. The process of the transition finished on August 24, 1995 when the Constitution of the Republic of Georgia was adopted. However, one should pay attention to the complicated course of the transformation processes which, as many researchers claim, were completed only during the Rose Revolution in 2003.

The democratization and liberalization of Polish political system was a result of the 1989 Round Table Agreement between the communist government and the democratic opposition, especially the Solidarity Trade Union. The aftermath of the Agreement was the April Novelization of the 1952 Constitution of the People's Republic of Poland, which resulted in the partially-free elections of June 4, 1989. The election success of the Solidarity-led opposition enabled the establishment of the first (post-WWII) pro-democratic Polish government on September 12, 1989. The cabinet of Tadeusz Mazowiecki introduced a plan for democratization and the project of reforming the economy towards the free-market (the Sachs-Balcerowicz Plan). The semi-democratic period in Poland was concluded by the opposition leader Lech Wałęsa replacing the last communist leader General Wojciech Jaruzelski in the role of the president in November 1990, and by the first fully democratic parliamentary elections in October 1991. In 1992, the Polish parliament introduced consecutive constitutional amendments, known as the

Small Constitution of 1992, that have established democratic framework for Polish politics. The democratization process ended with the new Constitution of Poland adopted on April 2, 1997, and was symbolically completed by the accession to the European Union in May 2004.

* * *

This volume is the first part of a series presenting the results of the research conducted as part of the project “Politics of Memory as the Constitutional Factor of New Identity during the Transition from Authoritarian Regimes”³. These studies are realised by the team of political scientists from the Faculty of Political Sciences and International Studies at the Nicolaus Copernicus University in Toruń under the supervision of Professor Joanna Marszałek-Kawa, PhD (team members: Joanna Piechowiak-Lamparska, Anna Ratke-Majewska, Patryk Wawrzyński). The aim of the project is to conduct a qualitative analysis of the ways states are using politics of history as an element of constructing a new political identity of the society in the period of transition from an authoritarian to a democratic system on the example of Chile, Estonia, Georgia, Spain, Poland, and the Republic of South Africa.

The editors hope that presented documents shall be useful for academics dealing with transition in political, economic, and social contexts. The selected documents present legislation in force as of June 1, 2013. This selection might be of use mostly to academic international teams researching the states of the former Eastern Bloc.

Joanna Marszałek-Kawa
Joanna Piechowiak-Lamparska
Anna Ratke-Majewska
Patryk Wawrzyński

³ This project was financed from the funds of the National Science Centre allocated on the basis of the decision number DEC-2012/05/E/HS5/02722.

The Constitution of the Republic of Estonia

Created – 20.05.1992

Ratified (national constitutional referendum) – 28.06.1992

Come into effect – 3.07.1992

Last amendment – 13.04.2011

With unwavering faith and a steadfast will to strengthen and develop the state which embodies the inextinguishable right of the people of Estonia to national self-determination and which was proclaimed on 24 February 1918, which is founded on liberty, justice and the rule of law, which is created to protect the peace and defend the people against aggression from the outside, and which forms a pledge to present and future generations for their social progress and welfare, which must guarantee the preservation of the Estonian people, the Estonian language and the Estonian culture through the ages, the people of Estonia, on the basis of § 1 of the Constitution which entered into force in 1938, and in the referendum held on 28 June 1992, have adopted the following Constitution. [RT I 2007, 33, 210 – entry into force 21.07.2007]

Chapter I

GENERAL PROVISIONS

§ 1.

Estonia is an independent and sovereign democratic republic wherein supreme political authority is vested in the people.

The independence and sovereignty of Estonia are timeless and inalienable.

§ 2.

The land, territorial waters and airspace of Estonia constitute an inseparable and indivisible whole.

In terms of the organisation of its government, Estonia is a unitary state whose administrative division is provided by law.

§ 3.

Governmental authority is exercised solely pursuant to the Constitution and laws which are in conformity therewith. Generally recognised principles and rules of international law are an inseparable part of the Estonian legal system.

Laws are published in accordance with prescribed procedure. Only published laws may have binding force.

§ 4.

The activities of the *Riigikogu*, the President, the Government of the Republic and the courts are organised in accordance with the principles of separation and balance of powers.

§ 5.

The natural wealth and resources of Estonia are national riches which must be used economically.

§ 6.

The official language of Estonia is Estonian.

§ 7.

The national colours of Estonia are blue, black and white. The design of the national flag and the national coat of arms is provided by law.

Chapter II

FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

§ 8.

Every child of whose parents one is a citizen of Estonia is entitled to Estonian citizenship by birth.

Everyone who has forfeited his or her Estonian citizenship as a minor is entitled to its restoration.

No one may be deprived of an Estonian citizenship acquired by birth.

No one may be deprived of Estonian citizenship because of his or her beliefs.

The conditions and procedure for the acquisition, forfeiture and restoration of Estonian citizenship are provided in the Citizenship Act.

§ 9.

The rights, freedoms and duties of all persons and of everyone, as set out in the Constitution, apply equally to citizens of Estonia and to citizens of foreign states and stateless persons in Estonia.

The rights, freedoms and duties set out in the Constitution extend to legal persons in so far as this is in accordance with the purpose of legal personality and with the nature of such rights, freedoms and duties.

§ 10.

The rights, freedoms and duties set out in this chapter do not preclude other rights, freedoms and duties which arise from the spirit of the Constitution or are in accordance therewith, and which are in conformity with the principles of human dignity, social justice and democratic government founded on the rule of law.

§ 11.

Rights and freedoms may only be circumscribed in accordance with the Constitution. Such circumscription must be necessary in a democratic society and may not distort the nature of the rights and freedoms circumscribed.

§ 12.

Everyone is equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other views, property or social status, or on other grounds.

Incitement to ethnic, racial, religious or political hatred, violence or discrimination is prohibited and punishable by law. Incitement to hatred and violence between social classes or to discrimination against a social class is also prohibited and punishable by law.

§ 13.

Everyone is entitled to protection by the government and of the law. The Estonian government also protects its citizens abroad.

The law protects everyone from arbitrary exercise of governmental authority.

§ 14.

It is the duty of the legislature, the executive, the judiciary, and of local authorities, to guarantee the rights and freedoms provided in the Constitution.

§ 15.

Everyone whose rights and freedoms have been violated has the right of recourse to the courts. Everyone is entitled to petition the court that hears his or her case to declare unconstitutional any law, other legislative instrument or measure which is relevant in the case.

The courts observe the Constitution and declare unconstitutional any law, other legislative instrument or measure which violates any rights or freedoms provided in the Constitution or which otherwise contravenes the Constitution.

§ 16.

Everyone has the right to life. The right to life is protected by the law. No one may be arbitrarily deprived of his or her life.

§ 17.

No one's honour or good name may be defamed.

§ 18.

No one may be subjected to torture or to cruel or degrading treatment or punishment.

No one may be subjected to medical or scientific experiments against his or her free will.

§ 19.

Everyone has the right to free self-realisation.

When exercising his or her rights and freedoms and fulfilling his or her duties, everyone must respect and observe the rights and freedoms of others, and obey the law.

§ 20.

Everyone has the right to liberty and security of person.

No one may be deprived of his or her liberty except in the cases and pursuant to a procedure provided by law:

- 1) to enforce a judgment of conviction rendered or a detention ordered by a court;
- 2) for the case of non-compliance with a direction of a court, or to guarantee fulfilment of a duty provided by law;
- 3) to prevent a criminal or administrative offence, to bring before a competent authority a person in relation to whom there is reasonable suspicion that he or she has committed such an offence, or to prevent such a person from absconding;
- 4) to place a minor under disciplinary supervision or to bring him or her before a competent authority to determine whether to impose such supervision;
- 5) to detain a person suffering from an infectious disease, a person of unsound mind, an alcoholic or a drug addict, if such a person is a danger to himself or herself or to others;
- 6) to prevent illegal settlement in Estonia and for removing a person from Estonia or for extraditing a person to a foreign state.

No one may be deprived of his or her liberty on the mere ground of inability to fulfil a contractual obligation.

§ 21.

Everyone who has been deprived of his or her liberty must be informed promptly, in a language and manner which he or she understands, of the reason for the deprivation of liberty and of his or her rights, and be given an opportunity to notify those closest to him or her. A person suspected of a criminal offence must also be promptly given an opportunity to choose a counsel and to confer with him or her. The right of a person suspected of a criminal offence to notify those closest to him or her of the deprivation of liberty may be circumscribed only in the cases and pursuant to a procedure provided by law to prevent a criminal offence or in the interests of ascertaining the truth in a criminal case.

No one may be held in custody for more than forty-eight hours without a specific authorisation of a court. The decision of the court must be promptly communicated to the person in custody in a language and manner which he or she understands.

§ 22.

No one may be deemed guilty of a criminal offence before he or she has been convicted in a court and before the conviction has become final.

No one is required to prove his or her innocence in criminal proceedings.

No one may be compelled to testify against himself or herself, or against those closest to him or her.

§ 23.

No one may be convicted of an act which did not constitute a criminal offence under the law in force at the time the act was committed.

No one may be sentenced to a penalty that is more severe than the one that was applicable at the time the offence was committed. If, subsequent to the commission of the offence, the law makes provision for a lighter penalty, the lighter penalty applies.

No one may be prosecuted or sentenced for a second time for an act in respect of which he or she has been the subject of a final conviction or acquittal pursuant to the law.

§ 24.

No one may be transferred, against his or her free will, from the jurisdiction of a court specified by law to the jurisdiction of another court.

Everyone is entitled to attend any hearing held by a court in his or her case.

Court hearings are public. The court may, in the cases and pursuant to a procedure provided by law, order a hearing or a part thereof to be held *in camera* to protect a state secret or a trade secret, public morality or the private and family life of individuals, or where the interests of a minor, a victim, or the administration of justice so require.

Judgments are pronounced publicly, except in cases where the interests of a minor, a spouse, or a victim require otherwise.

In accordance with the procedure provided by law, everyone is entitled to appeal a judgment rendered in his or her case to a higher court.

§ 25.

Everyone is entitled to compensation for intangible as well as tangible harm that he or she has suffered because of the unlawful actions of any person.

§ 26.

Everyone is entitled to inviolability of his or her private and family life. Government agencies, local authorities, and their officials may not interfere with any person's private or family life, except in the cases and pursuant to a procedure provided by law to protect public health, public morality, public order or the rights and freedoms of others, to prevent a criminal offence, or to apprehend the offender.

§ 27.

The family, which is fundamental to the preservation and growth of the nation and which constitutes the foundation of society, enjoys the protection of the government.

Spouses have equal rights.

Parents have the right and the duty to raise their children and to provide for them.

The protection of parents and children is provided by law.

The family is required to provide for its members who are in need.

§ 28.

Everyone is entitled to protection of his or her health.

Every citizen of Estonia is entitled to government assistance in the case of old age, incapacity for work, loss of provider, or need. The categories and extent of the assistance, and the conditions and procedure for its allocation are provided by law. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy this right equally with citizens of Estonia.

The national government facilitates voluntary provision of welfare services and provision of welfare services by local authorities.

Families with a large number of children as well as people with disabilities enjoy special care of the national government and of local authorities.

§ 29.

Every citizen of Estonia is entitled to freely choose his or her area of activity, profession and position of employment. The law may provide conditions and procedures for the exercise of this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy this right equally with citizens of Estonia.

No one may be compelled to perform work or service against his or her free will, except for service in the defence forces or alternative service, or work required to prevent the spread of an infectious disease or to contain a natural disaster or catastrophe, or work which a convicted offender is required to perform according to the law and pursuant to a procedure established by law.

The national government organises vocational training and assists persons who seek employment in finding work.

Working conditions are overseen by the national government.

Everyone is free to belong to unions and federations of employees and employers. Unions and federations of employees and employers may assert their rights and lawful interests by means which are not prohibited by law. The conditions and procedure for the exercise of the right to strike are provided by law.

The procedure for resolution of labour disputes is provided by law.

§ 30.

Recruitment to positions in government agencies and local authorities takes place among citizens of Estonia in accordance with the law and pursuant to the procedure established by law. Citizens of foreign states and stateless persons may be recruited to such positions as an exception provided this is allowed by the law.

In respect of certain categories of public servants, the right to engage in entrepreneurial activity and to form commercial associations (§ 31), and the right to belong to political parties and to certain types of non-profit associations (§ 48) may be circumscribed by law.

§ 31.

Citizens of Estonia have the right to engage in entrepreneurial activity and to form commercial associations and federations. The law may provide conditions and procedures that circumscribe the exercise of this right. Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonian territory enjoy this right equally with citizens of Estonia.

§ 32.

The property of every person is inviolable and equally protected. Property may be taken from the owner without his or her consent only in the public interest, in the cases and pursuant to a procedure provided by law, and for fair and immediate compensation. Everyone whose property has been taken from him or her without his or her consent has the right to bring an action in the courts to contest the taking of the property, the compensation, or the amount of the compensation.

Everyone has the right to freedom from interference in possessing or using his or her property or making dispositions regarding the same. Limitations of this right are provided by law. Property may not be used in a manner that contravenes the public interest.

On public interest grounds, the law may provide classes of property which may be acquired in Estonia only by citizens of Estonia, by certain categories of legal persons, by local authorities, or by the Estonian government.

Succession of property is guaranteed.

§ 33.

The home is inviolable. No one's dwelling or other premises lawfully occupied by him or her, or his or her workplace may be forcibly entered or searched, except in the cases and pursuant to a procedure provided by law to protect public order, public health or the rights and freedoms of others, to prevent a criminal offence, to apprehend the offender, or to ascertain the truth in a criminal case.

§ 34.

Everyone whose presence in Estonian territory is lawful has the right to move freely in that territory and to choose freely where to reside. The right to freedom of movement may be circumscribed in the cases and pursuant to a procedure which is provided by law to protect the rights and freedoms of others, in the interests of national defence, in the case of a natural disaster or

a catastrophe, to prevent the spread of an infectious disease, to protect the natural environment, to ensure that a minor or a person of unsound mind does not remain unsupervised, or to ensure the proper conduct of a criminal case.

§ 35.

Everyone has the right to leave Estonia. This right may be circumscribed in the cases and pursuant to a procedure provided by law to ensure the proper conduct of a trial or of a pre-trial investigation, or to enforce a court judgment.

§ 36.

No citizen of Estonia may be expelled from Estonia or prevented from settling in Estonia.

No citizen of Estonia may be extradited to a foreign state, except under conditions prescribed by an international treaty and pursuant to a procedure provided by such treaty and by law. Extraditions are decided by the Government of the Republic. Any person who is subject to an extradition order has the right to challenge this order in an Estonian court.

Every Estonian is entitled to settle in Estonia.

§ 37.

Everyone has the right to education. Education for school-age children is compulsory to the extent specified by the law, and is free of charge in general schools established by the national government and by local authorities.

In order to make education accessible, the national government and local authorities maintain a requisite number of educational institutions. Other educational institutions, including private schools, may also be established and maintained pursuant to the law.

Parents have the deciding say in the choice of education for their children.

Everyone has the right to be taught in Estonian. The language of teaching in national minority educational institutions is chosen by the educational institution.

The provision of education is overseen by the national government.

§ 38.

Science and art and their teachings are free.

Universities and research institutions are autonomous within the limits prescribed by the law.

§ 39.

The rights of an author in respect of his or her work are inalienable. The national government protects authors' rights.

§ 40.

Everyone is entitled to freedom of conscience, freedom of religion and freedom of thought.

Everyone is free to belong to any church or any religious society. There is no state church.

Everyone is free to practise his or her religion, alone or in community with others, in public or in private, unless this is detrimental to public order, public health or public morality.

§ 41.

Everyone has the right to abide by his or her opinions and beliefs. No one may be compelled to change his or her opinions or beliefs.

Beliefs are no defence for violating the law.

No one may be held legally liable for his or her beliefs.

§ 42.

Government agencies, local authorities, and their officials may not gather or store information about the beliefs of a citizen of Estonia against the citizen's free will.

§ 43.

Everyone has the right to confidentiality of messages sent or received by him or her by post, telegraph, telephone or other commonly used means. Derogations from this right may be made in the cases and pursuant to a procedure provided by law if they are authorised by a court and if they are necessary to prevent a criminal offence, or to ascertain the truth in a criminal case.

§ 44.

Everyone is entitled to free access to information disseminated for public use.

Pursuant to a procedure provided by law, all government agencies, local authorities, and their officials have a duty to provide information about their activities to any citizen of Estonia at his or her request, except for information whose disclosure is prohibited by law and information intended exclusively for internal use.

Pursuant to a procedure provided by law, any citizen of Estonia is entitled to access information about himself or herself held by government agencies and local authorities and in government and local authority archives. This right may be circumscribed pursuant to law to protect the rights and freedoms of others, to protect the confidentiality of a child's filiation, and in the interests of preventing a criminal offence, apprehending the offender, or of ascertaining the truth in a criminal case.

Unless otherwise provided by law, citizens of foreign states and stateless persons in Estonia enjoy the rights specified in paragraphs two and three of this section equally with citizens of Estonia.

§ 45.

Everyone has the right to freely disseminate ideas, opinions, beliefs and other information by word, print, picture or other means. This right may be circumscribed by law to protect public order, public morality, and the rights and freedoms, health, honour and good name of others. This right may also be circumscribed by law in respect of public servants employed by the national government and local authorities, or in order to protect a state secret, trade secret or information received in confidence which has become known to the public servant by reason of his or her office, and to protect the family and private life of others, as well as in the interests of the administration of justice.

There is no censorship.

§ 46.

Everyone has the right to address informational letters and petitions to government agencies, local authorities, and their officials. The procedure for responding to such letters and petitions is provided by law.

§ 47.

Everyone has the right to assemble peacefully and to conduct meetings without prior permission. This right may be circumscribed in the cases and pursuant to a procedure provided by law to safeguard national security, maintain public order, uphold public morality, ensure the safety of traffic and the safety of participants of the meeting, or to prevent the spread of an infectious disease.

§ 48.

Everyone has the right to form non-profit associations and federations. Only citizens of Estonia may belong to political parties.

The establishment of associations and federations which possess weapons, which are organised in accordance with military principles or which hold exercises of a military nature requires a prior authorisation whose conditions of issuance and procedure of issuance are provided by law.

Associations, federations and political parties whose aims or activities are directed at changing the constitutional order of Estonia by force or are otherwise in conflict with a law providing criminal liability, are prohibited.

Only a court may terminate or suspend the activities of an association, federation or political party for a violation of the law, or order the association, federation or political party to pay a fine.

§ 49.

Everyone has the right to preserve his or her ethnic identity.

§ 50.

National minorities have the right, in the interests of their culture, to establish self-governing agencies under such conditions and pursuant to such procedure as are provided in the National Minorities Cultural Autonomy Act.

§ 51.

Everyone has the right to address government agencies, local authorities, and their officials in Estonian and to receive responses in Estonian.

In localities where at least one half of the permanent residents belong to a national minority, everyone has the right to receive responses from government agencies, local authorities and their officials also in the language of the national minority.

§ 52.

The official language of government agencies and local authorities is Estonian.

In localities where the language of the majority of the residents is not Estonian, local authorities may, to the extent and pursuant to a procedure provided by law, use the language of the majority of the permanent residents of the locality as their internal working language.

The use of foreign languages, including the languages of national minorities, in government agencies, in courts and in pre-trial procedure is provided by law.

§ 53.

Everyone has a duty to preserve the human and natural environment and to compensate for harm that he or she has caused to the environment. The procedure for compensation is provided by law.

§ 54.

It is the duty of each citizen of Estonia to be loyal to the constitutional order and to defend the independence of Estonia.

In the absence of other means of opposing a forcible attempt to change the constitutional order of Estonia, every citizen of Estonia has the right to resist such an attempt of his or her own initiative.

§ 55.

Citizens of foreign states and stateless persons in Estonia are required to observe the constitutional order of Estonia.

Chapter III

THE PEOPLE

§ 56.

Supreme political authority in Estonia is vested in the people who, through citizens eligible to vote, exercise it:

- 1) in elections of the *Riigikogu*;
- 2) in referendums.

§ 57.

Any citizen of Estonia who has attained eighteen years of age is eligible to vote.

A citizen of Estonia who has been declared by a court to lack legal capacity is ineligible to vote.

§ 58.

Participation in elections may be circumscribed by law in the case of citizens of Estonia who have been convicted by a court and are serving a sentence in a penal institution.

Chapter IV

THE RIIGIKOGU

§ 59.

Legislative authority is vested in the *Riigikogu*.

§ 60.

The *Riigikogu* comprises one hundred and one members. Members of the *Riigikogu* are elected in free elections according to the principle of proportional representation. Elections are general, uniform and direct. Voting is secret.

Any citizen of Estonia who has attained twenty-one years of age and is eligible to vote may stand in an election of the *Riigikogu*.

Regular elections of the *Riigikogu* are held on the first Sunday of March of the fourth year counting from the year of the preceding election of the *Riigikogu*.

Extraordinary elections of the *Riigikogu* are held in the cases prescribed in §§ 89, 97, 105 and 119 of the Constitution, not earlier than twenty and not later than forty days after the election was called.

The procedure for elections of the *Riigikogu* is provided in the *Riigikogu* Election Act.

§ 61.

The mandate of members of the *Riigikogu* commences on the day the results of the election are announced. The mandate of members of the preceding *Riigikogu* terminates on the same day.

Before assuming his or her duties, a member of the *Riigikogu* takes an oath of office declaring loyalty to the Republic of Estonia and to its constitutional order.

§ 62.

A member of the *Riigikogu* is not bound by his or her mandate, and may not bear legal liability for any vote cast or any political statement made by him or her in the *Riigikogu* or in any of its bodies.

§ 63.

A member of the *Riigikogu* may not hold any other governmental office.

A member of the *Riigikogu* is exempt from the duty to serve in the Defence Forces during his or her term of office.

§ 64.

The mandate of a member of the *Riigikogu* is suspended upon his or her appointment as member of the Government of the Republic, and is restored upon his or her release from the duties of a member of the Government of the Republic.

The mandate of a member of the *Riigikogu* terminates prematurely:

- 1) upon his or her assumption of another governmental office;

- 2) when a judgment of conviction rendered by a court against him or her becomes final;
- 3) upon his or her resignation pursuant to a procedure provided by law;
- 4) if the Supreme Court finds that he or she is incapable of performing his or her duties for an indeterminate period;
- 5) upon his or her death. In the case of suspension or premature termination of the mandate of a member of the *Riigikogu*, the member is replaced by an alternate member pursuant to a procedure provided by law. The alternate member enjoys all the rights and is subject to all the duties established in respect of members of the *Riigikogu*.

The mandate of the alternate member terminates upon the restoration of the mandate of the member of the *Riigikogu*.

§ 65.

The *Riigikogu*:

- 1) passes laws and resolutions;
- 2) decides the holding of a referendum;
- 3) elects the President pursuant to § 79 of the Constitution;
- 4) ratifies and denounces international treaties in accordance with § 121 of the Constitution;
- 5) authorises a Prime Minister candidate to form the Government of the Republic;
- 6) passes the national budget and approves the report on its implementation;
- 7) acting on a recommendation of the President, appoints to office the Chief Justice of the Supreme Court, the Chairman of the Board of the Bank of Estonia, the Auditor General and the Chancellor of Justice;
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]
- 8) acting on a recommendation of the Chief Justice of the Supreme Court, appoints to office justices of the Supreme Court;
- 9) appoints members of the board of the Bank of Estonia;
- 10) acting on a proposal of the Government of the Republic, decides whether to authorise government borrowing or the assumption of other financial obligations;
- 11) makes statements, declarations and appeals to the people of Estonia, to other states and to international organisations;

- 12) establishes national awards, as well as military and diplomatic ranks;
- 13) determines motions to express no confidence in the Government of the Republic, the Prime Minister or individual ministers;
- 14) declares a state of emergency in the national territory pursuant to § 129 of the Constitution;
- 15) acting on a proposal of the President, declares a state of war and orders mobilisation and demobilisation;
- 16) resolves other issues of national importance which the Constitution does not assign to the President, the Government of the Republic, other public bodies or local authorities.

§ 66.

The first sitting of a new *Riigikogu* is held within ten days after announcement of the results of an election of the *Riigikogu*. The first sitting of the new *Riigikogu* is convened by the President.

§ 67.

Regular sessions of the *Riigikogu* last from the second Monday of January to the third Thursday of June, and from the second Monday of September to the third Thursday of December.

§ 68.

Extraordinary sessions of the *Riigikogu* are convened by the Speaker of the *Riigikogu*, acting on a proposal from the President, the Government of the Republic, or at least one fifth of the members of the *Riigikogu*.

§ 69.

From among its members the *Riigikogu* elects a speaker and two deputy speakers who preside over the work of the *Riigikogu* pursuant to the *Riigikogu* Rules of Procedure Act and the *Riigikogu* Standing Orders Act.

§ 70.

The quorum for the *Riigikogu* is provided in the *Riigikogu* Rules of Procedure Act. In an extraordinary session, the *Riigikogu* is competent to act provided more than one half of the members are in attendance.

§ 71.

The *Riigikogu* forms committees.

Members of the *Riigikogu* have the right to form political groups.

The procedure for the formation of committees and groups, and the rights of such committees and groups, are provided in the *Riigikogu* Rules of Procedure Act.

§ 72.

Sessions of the *Riigikogu* are public, unless the *Riigikogu* determines otherwise by a two thirds majority.

Voting in the *Riigikogu* is open. Secret ballots are taken only for election or appointment of officials in the cases provided in the Constitution or in the *Riigikogu* Rules of Procedure Act.

§ 73.

Unless otherwise prescribed in the Constitution, legislation in the *Riigikogu* is passed by a majority of votes cast.

§ 74.

Any member of the *Riigikogu* has the right to put questions to the Government of the Republic and its members, to the Chairman of the Board of the Bank of Estonia, the President of the Bank of Estonia, the Auditor General and the Chancellor of Justice.

[RT I, 27.04.2011, 1 – entry into force 22.07.2011]

The questions must be answered at a sitting of the *Riigikogu* within twenty sitting days.

§ 75.

The remuneration of members of the *Riigikogu* and restrictions concerning receipt of income from other employment is provided by law, and may only be amended in respect of the next *Riigikogu*.

§ 76.

Members of the *Riigikogu* are immune from prosecution. Criminal charges against a member may only be brought on a proposal of the Chancellor of Justice and with the consent of a majority of the members of the *Riigikogu*.

Chapter V

THE PRESIDENT

§ 77.

The President is the head of state of Estonia.

§ 78.

The President:

- 1) represents the Republic of Estonia in its international relations;
- 2) appoints and recalls diplomatic agents of the Republic of Estonia on the proposal of the Government of the Republic, and receives the credentials of diplomatic agents accredited to Estonia;
- 3) calls regular elections of the *Riigikogu* and, pursuant to §§ 89, 97, 105 and 119 of the Constitution, extraordinary elections of the *Riigikogu*;
- 4) convenes the new *Riigikogu* pursuant to § 66 of the Constitution, and opens its first sitting;
- 5) makes proposals to the Speaker of the *Riigikogu* to convene an extraordinary session of the *Riigikogu* pursuant to § 68 of the Constitution;
- 6) proclaims laws pursuant to §§ 105 and 107 of the Constitution, and signs instruments of ratification;

- 7) issues presidential decrees pursuant to §§ 109 and 110 of the Constitution;
- 8) initiates amendments of the Constitution;
- 9) nominates the Prime Minister candidate pursuant to § 89 of the Constitution;
- 10) appoints to and releases from office members of the Government of the Republic pursuant to §§ 89, 90, and 92 of the Constitution;
- 11) makes recommendations to the *Riigikogu* regarding appointments to the office of Chief Justice of the Supreme Court, Chairman of the Board of the Bank of Estonia, Auditor General and Chancellor of Justice;
- 12) on the recommendation of the Board of the Bank of Estonia, appoints the president of the Bank of Estonia;
- 13) on recommendations of the Supreme Court, appoints judges;
- 14) [repealed – RT I, 27.04.2011, 1 – entry into force 22.07.2011];
- 15) confers national awards and military and diplomatic ranks;
- 16) is the supreme commander of national defence of Estonia;
- 17) makes proposals to the *Riigikogu* to declare a state of war, to order mobilisation and demobilisation and, pursuant to § 129 of the Constitution, to declare a state of emergency;
- 18) in the case of aggression against Estonia, declares a state of war and orders mobilisation pursuant to § 128 of the Constitution;
[RT I, 27.04.2011, 1 – entry into force 22.07.2011]
- 19) by way of clemency, grants release or commutation of sentence to convicted offenders at their request;
- 20) initiates the bringing of criminal charges against the Chancellor of Justice pursuant to § 145 of the Constitution.

§ 79.

The President is elected by the *Riigikogu* or, in the case provided in paragraph four of this section, by the Electoral College.

The right to nominate a candidate for the election of the President rests with not less than one- fifth of the members of the *Riigikogu*.

Nominations of candidates for President may be made from among citizens of Estonia by birth who have attained at least forty years of age.

The President is elected by secret ballot. Each member of the *Riigikogu* has one vote. The candidate who receives the votes of two thirds of the members of the *Riigikogu* is deemed elected. If no candidate receives the required majority, a new round of voting is held on the next day. Before the new round of voting, a new nomination of candidates takes place. If no candidate receives the required majority in the second round of voting, a third round of voting is held on the same day between the two candidates who received the greatest number of votes in the second round. If the President is not selected in the third round of voting, the Electoral College is convened by the Speaker of the *Riigikogu* within one month to select the President.

The Electoral College comprises members of the *Riigikogu* and representatives of local authority councils. Each local authority council elects at least one representative, who must be a citizen of Estonia, to the Electoral College.

The *Riigikogu* nominates the two candidates who received the most votes in the *Riigikogu* to the Electoral College as candidates for President. The right to nominate a candidate for President may also be exercised by not less than twenty-one members of the Electoral College.

The Electoral College selects the President by a majority of its entire membership. If no candidate is selected in the first round, a second round of voting is held on the same day between the two candidates who received the greatest number of votes.

The details of the procedure for election of the President is provided in the President of the Republic Election Act.

§ 80.

The President is elected for a term of five years. No one may be elected to the office of the President for more than two consecutive terms.

Regular elections of the President are held not earlier than sixty and not later than ten days before the end of the term of office of the incumbent President.

§ 81.

The President assumes office by swearing the following oath of office to the people of Estonia before the *Riigikogu*: 'In assuming the office of President, I (given name and surname), solemnly swear to steadfastly defend the Constitution and the laws of the Republic of Estonia, to exercise the authority entrusted to me in a just and impartial manner, and to perform my duties faithfully, to the best of my abilities and to the best of my understanding, for the benefit of the people of Estonia and the Republic of Estonia.'

§ 82.

The authority of the President terminates:

- 1) upon his or her resignation from office;
- 2) when a judgment of conviction rendered by a court against him or her becomes final;
- 3) upon his or her death;
- 4) upon assumption of the office by the new President.

§ 83.

If the Supreme Court finds that the President is incapable of performing his or her duties for an indeterminate period or if he or she is temporarily unable to perform them in the cases specified by law, or if his or her authority has terminated before the end of his or her term of office, his or her duties are temporarily assumed by the Speaker of the *Riigikogu*.

During the time that the Speaker of the *Riigikogu* performs the duties of the President, his or her authority as a member of the *Riigikogu* is suspended.

The Speaker of the *Riigikogu*, acting for the President, may not, without the consent of the Supreme Court, call an extraordinary election of the *Riigikogu* or refuse to promulgate a law.

If the President has been unable to perform his or her official duties for more than three consecutive months, or if his or her authority has terminated before the end of his or her term of office, the *Riigikogu* elects a new President within fourteen days pursuant to § 79 of the Constitution.

§ 84.

Upon assuming the office of the President, the authority and duties of the incumbent in all elected or appointed offices previously held by him or her are terminated, and he or she suspends his or her membership in any political party for the duration of his or her term of office.

§ 85.

Criminal charges may be brought against the President only on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

Chapter VI**THE GOVERNMENT OF THE REPUBLIC**

§ 86.

Executive authority is vested in the Government of the Republic.

§ 87.

The Government of the Republic:

- 1) carries out the nation's domestic and foreign policy;
- 2) directs and co-ordinates the work of government agencies;
- 3) administers the implementation of laws, resolutions of the *Riigikogu* and legislation of the President;
- 4) introduces Bills in the *Riigikogu* and submits international treaties to the *Riigikogu* for ratification and denunciation;
- 5) prepares Bills to enact the national budget and introduces them in the *Riigikogu*, administers implementation of the national budget and presents a report on the implementation to the *Riigikogu*;
- 6) issues regulations and directives on the basis of and for the implementation of laws;
- 7) conducts relations with other states;

- 8) in the case of a natural disaster or a catastrophe, or to prevent the spread of an infectious disease, declares a state of emergency in the entire national territory or a part thereof;
- 9) performs other duties which are assigned to the Government of the Republic by the Constitution and laws.

§ 88.

The Government of the Republic comprises the Prime Minister and ministers.

§ 89.

Within fourteen days following resignation of the Government of the Republic, the President nominates a Prime Minister candidate whom he directs to form the new Government.

The Prime Minister candidate, within fourteen days after receiving the direction to form the new Government, presents a report to the *Riigikogu* regarding the principles upon which he or she proposes to form the Government, after which the *Riigikogu* decides, without debate and by an open vote, whether to authorise the Prime Minister candidate to form the Government.

The Prime Minister candidate who has been authorised by the *Riigikogu* to form the new Government presents, within seven days, a list of its members to the President, who appoints the Government to office within three days.

If the Prime Minister candidate nominated by the President fails to receive a majority of the votes cast in the *Riigikogu*, or is unable or declines to form the Government, the President is entitled, within seven days, to nominate another Prime Minister candidate.

If the President does not nominate another Prime Minister candidate within seven days or declines to do so, or if the other candidate, under the conditions and time-limits set out in paragraphs two and three of this section, fails to obtain the necessary authority from the *Riigikogu* or is unable or declines to form the Government, the right to nominate a Prime Minister candidate passes to the *Riigikogu*.

The *Riigikogu* nominates a Prime Minister candidate who presents to the President a list of the members of the Government. If the list is not presented to the President within fourteen days after the passing to the *Riigikogu* of the right to nominate the Prime Minister candidate, the President calls an extraordinary election of the *Riigikogu*.

§ 90.

Any changes in the membership of the Government of the Republic which has assumed office are made by the President on a proposal of the Prime Minister.

§ 91.

The Government of the Republic assumes office by taking the oath of office before the *Riigikogu*.

§ 92.

The Government of the Republic resigns upon:

- 1) the first meeting of the new *Riigikogu*;
- 2) the resignation or death of the Prime Minister;
- 3) the expression of no confidence in the Government of the Republic or the Prime Minister by the *Riigikogu*.

The President releases the Government of the Republic from office at the time of assumption of office by the new Government.

§ 93.

The Prime Minister represents and presides over the Government of the Republic.

The Prime Minister appoints two ministers who have the right to substitute for the Prime Minister during his or her absence. The procedure for substitution is established by the Prime Minister.

§ 94.

To administer the various spheres of government, corresponding ministries are established by law.

A minister presides over his or her ministry, disposes of matters within his or her sphere of government, issues regulations and administrative decrees on the basis and for the implementation of laws, and performs other duties assigned to him or her on the basis of and pursuant to a procedure provided by law.

If a minister is temporarily unable to perform the duties of his or her office due to illness or other hindrance, the Prime Minister assigns the duties of the minister to another minister for the corresponding period.

The President may, on a proposal of the Prime Minister, appoint ministers without portfolio.

§ 95.

The Government of the Republic is assisted by the State Chancellery, which is led by the State Secretary.

The State Secretary is appointed to and released from office by the Prime Minister.

The State Secretary participates in meetings of the Government of the Republic with the right to speak.

As head of the State Chancellery, the State Secretary has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

§ 96.

Meetings of the Government of the Republic are held *in camera* unless the Government decides otherwise.

The Government of the Republic makes its decisions on the basis of proposals from the Prime Minister or from a competent minister.

Regulations of the Government of the Republic are valid if they bear the signature of the Prime Minister, the competent minister and the State Secretary.

§ 97.

The *Riigikogu* may, by a resolution carried by a majority of its members, express no confidence in the Government of the Republic, the Prime Minister, or a minister.

A motion to express no confidence may be initiated by not less than one-fifth of the members of the *Riigikogu* by the presentation of a corresponding written notice at a sitting of the *Riigikogu*.

A motion to express no confidence may not be put to the vote earlier than on the second day after its initiation, unless the Government of the Republic requires a more expeditious decision.

In the case that the *Riigikogu* has expressed no confidence in the Government of the Republic or the Prime Minister, the President may, on the proposal of the Government of the Republic and within three days, call an extraordinary election of the *Riigikogu*.

When the *Riigikogu* has expressed no confidence in a minister, the Speaker of the *Riigikogu* notifies this to the President, who releases the minister from office.

A motion to express no confidence on the same grounds as in a previous motion may not be initiated earlier than three months after the previous motion was voted.

§ 98.

The Government of the Republic may declare the passage of a Bill that it has introduced in the *Riigikogu* to be a matter of confidence.

Such a Bill may not be put to the vote earlier than on the second day after its passage was declared to be a matter of confidence. If the *Riigikogu* does not pass the Bill, the Government of the Republic resigns.

§ 99.

Members of the Government of the Republic may not hold any other governmental office, or belong to the management board or supervisory board of a commercial enterprise.

§ 100.

Members of the Government of the Republic may participate in sittings of the *Riigikogu* and of its committees with the right to speak.

§ 101.

Criminal charges may only be brought against a member of the Government of the Republic on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

The authority of a member of the Government of the Republic is terminated when a judgment of conviction by a court against him or her becomes final.

Chapter VII LEGISLATION

§ 102.

Laws are passed in accordance with the Constitution.

§ 103.

The right to initiate a Bill rests with the following:

- 1) a member of the *Riigikogu*;

- 2) a political group of the *Riigikogu*;
- 3) a committee of the *Riigikogu*;
- 4) the Government of the Republic;
- 5) the President, when proposing amendments to the Constitution.

The *Riigikogu* is entitled, on the basis of a resolution carried by a majority of the members, to address a recommendation to the Government of the Republic to initiate a Bill desired by the *Riigikogu*.

§ 104.

The procedure for the passage of laws is provided in the *Riigikogu* Procedure Act.

The following laws may only be passed and amended by a majority of the members of the *Riigikogu*:

- 1) the Citizenship Act;
- 2) the *Riigikogu* Election Act;
- 3) the President of the Republic Election Act;
- 4) the Local Authority Council Election Act;
- 5) the Referendum Act;
- 6) the *Riigikogu* Rules of Procedure Act and the *Riigikogu* Standing Orders Act;
- 7) the Remuneration of the President of the Republic and of Members of the *Riigikogu* Act;
- 8) the Government of the Republic of the Republic of Estonia Act;
- 9) the Institution of Court Proceedings against the President of the Republic and against Members of the Government of the Republic Act;
- 10) the National Minorities Cultural Autonomy Act;
- 11) the National Budget Act;
- 12) the Bank of Estonia Act;
- 13) the National Audit Office Act;
- 14) the Courts Act and Acts governing court procedure;
- 15) Acts pertaining to foreign and domestic borrowing, and to financial obligations of the state;
- 16) the State of Emergency Act;
- 17) the Peace-Time National Defence Act and the War-Time National Defence Act.

§ 105.

The *Riigikogu* has the right to submit a Bill or other issue of national importance to a referendum.

The decision of the people is made by a majority of the votes cast in the referendum.

A law which is passed by a referendum is promptly promulgated by the President. The decision of the referendum is binding on all public bodies.

If a Bill which has been submitted to a referendum fails to receive a majority of the votes cast, the President calls an extraordinary election of the *Riigikogu*.

§ 106.

Issues regarding the budget, taxation, financial obligations of the national government, ratification and denunciation of international treaties, the declaration or termination of a state of emergency, or national defence may not be submitted to a referendum.

The procedure for holding a referendum is provided in the Referendum Act.

§ 107.

Laws are promulgated by the President.

The President may refuse to promulgate a law passed by the *Riigikogu* and, within fourteen days after its receipt, return the law, together with his or her reasoned resolution, to the *Riigikogu* for a new debate and decision. If the *Riigikogu*, for the second time and without amending it, passes a law which has been returned to it by the President, the President either promulgates the law or applies to the Supreme Court for a declaration of unconstitutionality in respect of that law. If the Supreme Court declares the law to be in conformity with the Constitution, the President promulgates the law.

§ 108.

Laws enter into force on the tenth day following their publication in the *Riigi Teataja* unless they contain a contrary provision.

§ 109.

If the *Riigikogu* is unable to convene, the President may, in matters of national urgency, issue decrees which have the force of law and which have been countersigned by the Speaker of the *Riigikogu* and the Prime Minister.

When the *Riigikogu* convenes, the President presents the decrees to the *Riigikogu*, which promptly passes a law regarding their confirmation or repeal.

§ 110.

The Constitution, the Acts listed in § 104 of the Constitution, laws which establish national taxes, and the national budget may not be enacted, amended or repealed by a decree of the President.

Chapter VIII

FINANCE AND THE NATIONAL BUDGET

§ 111.

The Bank of Estonia has exclusive right to issue Estonian currency. The Bank of Estonia administers the circulation and upholds the stability of the currency.

§ 112.

The Bank of Estonia carries out its duties pursuant to the law and reports to the *Riigikogu*.

§ 113.

National taxes, encumbrances, fees, fines and compulsory insurance payments are established by law.

§ 114.

The procedure for possession, use and dispositions of public assets is provided by law.

§ 115.

For each year the *Riigikogu* passes a law which contains a budget that sets out all items of government revenue and expenditure.

The Government of the Republic must submit a Bill for the budget to the *Riigikogu* not later than three months before the beginning of the financial year.

On the proposal of the Government of the Republic, the *Riigikogu* may, during the financial year, pass a supplementary budget.

§ 116.

If an amendment proposal to the national budget or to a Bill for the budget has the effect of decreasing estimated revenue or increasing expenditure or reallocating expenditure, the maker of the proposal must append to the amendment financial calculations which demonstrate the sources of revenue necessary to cover the expenditure.

The *Riigikogu* may not strike out or reduce expenditure items whose inclusion in the national budget or a Bill for the budget is required by other laws.

§ 117.

The procedure for the drafting and passage of the national budget is provided by law.

§ 118.

The national budget passed by the *Riigikogu* enters into force at the beginning of the financial year. If the *Riigikogu* does not pass the national budget by the beginning of the financial year, expenditure in the amount of up to one twelfth of the appropriations for the preceding financial year may be authorised each month.

§ 119.

If the *Riigikogu* has not passed the national budget within two months following the beginning of the financial year, the President calls an extraordinary election of the *Riigikogu*.

Chapter IX**FOREIGN RELATIONS AND INTERNATIONAL TREATIES**

§ 120.

The procedure for the conduct of relations between the Republic of Estonia and other states and between the Republic of Estonia and international organisations is provided by law.

§ 121.

The *Riigikogu* ratifies and denounces treaties of the Republic of Estonia:

- 1) which modify the state border;
- 2) whose implementation requires the passage, amendment or repeal of Estonian laws;
- 3) by which the Republic of Estonia joins an international organisation or union;
- 4) by which the Republic of Estonia assumes military or financial obligations;
- 5) which require ratification.

§ 122.

The land border of Estonia is determined by the Tartu Peace Treaty of 2 February 1920 and by other international border agreements. The sea and air borders of Estonia are determined on the basis of relevant international conventions.

The ratification of international treaties which modify the borders of Estonia requires a two thirds majority of the members of the *Riigikogu*.

§ 123.

The Republic of Estonia may not enter into international treaties which are in conflict with the Constitution.

When laws or other legislation of Estonia are in conflict with an international treaty ratified by the *Riigikogu*, provisions of the international treaty apply.

Chapter X

NATIONAL DEFENCE

§ 124.

Citizens of Estonia have a duty to participate in national defence in accordance with the principles and procedure provided by the law.

A person who refuses to serve in the Defence Forces for religious or ethical reasons has a duty to perform alternative service pursuant to a procedure provided by law.

Persons serving in the Defence Forces and those performing alternative service enjoy all rights and freedoms provided in the Constitution and are subject to all duties emanating from the same unless otherwise prescribed by law due to special interests of the service. The rights and freedoms enshrined in paragraphs 3 and 4 of § 8, §§ 11–18, paragraph 3 of § 20, §§ 21–28, § 32, § 33, §§ 36–43, paragraphs 1 and 2 of § 44, and §§ 49–51 of the Constitution

may not be circumscribed. The legal status of persons serving in the Defence Forces and of those performing alternative service is provided by law.

§ 125.

A person in active service may not hold another elected or appointed office, or participate in the activities of any political party.

§ 126.

The organisation of national defence is provided in the Peace-Time National Defence Act and the War-Time National Defence Act.

The organisation of the Estonian Defence Forces and of national defence organisations is provided by law.

§ 127.

The supreme commander of national defence is the President.

The President is assisted by the National Defence Council which is an advisory body whose membership and tasks are to be provided by law.

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§ 128.

On the proposal of the President, the *Riigikogu* declares a state of war, orders mobilisation and demobilisation, and decides the use of the Defence Forces to fulfil international obligations of the Estonian government.

In the case of aggression against the Republic of Estonia, the President declares a state of war and orders mobilisation without awaiting the corresponding resolution of the *Riigikogu*.

§ 129.

In the case of a threat to the Estonian constitutional order, the *Riigikogu* may, acting on a proposal of the President or of the Government of the Republic

and by a majority of its members, declare a state of emergency in the entire national territory for a period not exceeding three months.

Detailed arrangements regarding a state of emergency are to be provided by law.

§ 130.

In a state of emergency or a state of war, the rights and freedoms of individuals may be circumscribed and duties may be imposed upon individuals in the interests of national security and public order under conditions and pursuant to a procedure provided by law. The rights and freedoms enshrined in § 8, §§ 11–18, paragraph 3 of § 20, § 22, § 23, paragraphs 2 and 4 of § 24, § 25, § 27, § 28, paragraph 2 of § 36, § 40, § 41, § 49 and paragraph 1 of § 51 of the Constitution may not be circumscribed.

§ 131.

The *Riigikogu*, the President, and representative bodies of local authorities may not be elected, nor may their authority be terminated during a state of emergency or a state of war.

If the term of office of the *Riigikogu*, the President or representative bodies of local authorities should expire during a state of emergency or a state of war or within three months after the termination of a state of emergency or a state of war, that term is extended. In these cases, new elections are called within three months following the termination of the state of emergency or the state of war.

Chapter XI

THE NATIONAL AUDIT OFFICE

§ 132.

The National Audit Office is a public body that carries out performance and financial audits concerning public spending and that is independent in discharging its duties.

§ 133.

The National Audit Office audits:

- 1) economic activities of government agencies, public enterprises and other public organisations;
- 2) the use and preservation of public assets;
- 3) the use and dispositions of public assets whose control has been transferred to a local authority;
- 4) economic activities of enterprises in which the national government holds more than one half of the votes arising from their units or shares, or whose loans or contractual obligations are guaranteed by the national government.

§ 134.

The National Audit Office is headed by the Auditor General who is appointed to and released from office by the *Riigikogu* on a proposal of the President.

The term of office of the Auditor General is five years.

§ 135.

As part of debate on the report on implementation of the national budget in the *Riigikogu*, the Auditor General presents to the *Riigikogu* an overview of the use and preservation of public assets during the preceding financial year.

§ 136.

The Auditor General may participate in meetings of the Government of the Republic, in which matters related to his or her duties are discussed, with the right to speak.

As head of the National Audit Office, the Auditor General has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

§ 137.

The organisation of the National Audit Office is provided by law.

§ 138.

Criminal charges may be brought against the Auditor General only on the proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

Chapter XII

THE CHANCELLOR OF JUSTICE

§ 139.

The Chancellor of Justice is a government official who scrutinises legislative instruments of the legislative and executive branch of government and of local authorities for conformity with the Constitution and the laws, and who is independent in discharging his or her duties.

The Chancellor of Justice considers proposals made to him or her concerning the amendment of laws, the passage of new laws and the work of government agencies, and, if necessary, reports his findings to the *Riigikogu*.

In the cases set out in sections 76, 85, 101, 138 and 153 of the Constitution, the Chancellor of Justice makes a proposal to the *Riigikogu* to allow criminal charges to be brought against a member of the *Riigikogu*, the President,

a member of the Government of the Republic, the Auditor General, the Chief Justice of the Supreme Court or a justice of the Supreme Court.

§ 140.

The Chancellor of Justice is appointed to office by the *Riigikogu* for a term of seven years on a recommendation of the President.

The Chancellor of Justice may only be removed from office by a court judgment.

§ 141.

As head of his or her office, the Chancellor of Justice has the same authority that is granted by law to a minister of the Government of the Republic for administering his or her ministry.

The Chancellor of Justice may participate in sittings of the *Riigikogu* and in meetings of the Government of the Republic with the right to speak.

§ 142.

If the Chancellor of Justice finds that a legislative instrument passed by the legislative or executive branch of government or by a local authority is in conflict with the Constitution or a law, he or she makes a proposal to the body which passed the instrument to bring it into conformity with the Constitution or the law within twenty days.

If the instrument is not brought into conformity with the Constitution or the law within twenty days, the Chancellor of Justice refers the matter to the Supreme Court who may declare the instrument invalid.

§ 143.

The Chancellor of Justice presents an annual report to the *Riigikogu* on the conformity of legislation passed by the legislative and executive branch of government and by local authorities with the Constitution and the laws.

§ 144.

The legal status of the Chancellor of Justice and the organisation of his or her office are to be provided by law.

§ 145.

Criminal charges may be brought against the Chancellor of Justice only on the proposal of the President, and with the consent of a majority of the members of the *Riigikogu*.

Chapter XIII

THE COURTS

§ 146.

Justice is administered exclusively by the courts. The courts are independent in discharging their duties and administer justice in accordance with the Constitution and the laws.

§ 147.

Judges are appointed for life. The grounds and procedure for release of judges from office are provided by law.

Judges may be removed from office only by a court judgment.

Judges may not hold any other elected or appointed office, except for those prescribed in the law.

The legal status of judges and guarantees for their independence are to be provided by law.

§ 148.

The court system consists of:

- 1) county and city courts and administrative courts;

- 2) circuit courts;
- 3) the Supreme Court.

Specialised courts with jurisdiction to deal with certain types of matters are to be created by law.

The creation of extraordinary courts is prohibited.

§ 149.

County and city courts and administrative courts are courts of first instance.

Circuit courts are higher courts which review rulings of the courts of first instance on appeal.

The Supreme Court is the highest court of Estonia which reviews rulings of other courts pursuant to a quashing procedure. The Supreme Court is also the court of constitutional review.

The organisation of the courts and their rules of procedure are to be established by law.

§ 150.

The Chief Justice of the Supreme Court is appointed to office by the *Riigikogu* on a recommendation of the President.

Justices of the Supreme Court are appointed to office by the *Riigikogu* on a recommendation of the Chief Justice of the Supreme Court.

Other judges are appointed to office by the President on a recommendation of the Supreme Court.

§ 151.

The rules of court procedure regarding representation, defence, public prosecution, and oversight of legality are to be provided by law.

§ 152.

When determining a case, the courts refuse to give effect to a law or other legislation that is in conflict with the Constitution.

The Supreme Court declares invalid any law or other legislation that is in conflict with the letter and spirit of the Constitution.

§ 153.

Criminal charges may be brought against a judge during his or her term of office only on a proposal of the Supreme Court, and with the consent of the President.

Criminal charges may be brought against the Chief Justice and justices of the Supreme Court only on a proposal of the Chancellor of Justice, and with the consent of a majority of the members of the *Riigikogu*.

Chapter XIV**LOCAL SELF-GOVERNMENT**

§ 154.

All local matters are determined and administered by local authorities, who discharge their duties autonomously in accordance with the law.

Obligations may be imposed on a local authority only pursuant to the law or by agreement with the local authority. The funds to cover expenditure related to duties of the national government which have been imposed by law on a local authority are provided from the national budget.

§ 155.

The entities of local self-government are rural municipalities and cities.

Other entities for the realisation of local self-government may be formed in accordance with the law and pursuant to a procedure provided by law.

§ 156.

The representative body of a local authority is its council which is elected in a free election for a term of four years. The term of office of a council may be reduced by law due to a merger or division of local authorities or to inability of the council to act. Elections of local authority councils are general, uniform and direct. Voting is secret.

In elections to local authority councils, the right to vote is held, pursuant to conditions prescribed by law, by persons who reside permanently in the territory of the local authority and have attained eighteen years of age.
[RT I 2003, 29, 174 – entry into force 17.10.2005]

§ 157.

A local authority has an independent budget which is drawn up in accordance with the principles and procedure provided by law.

Local authorities have the right, on the basis of the law, to establish and levy taxes, and to impose encumbrances.

§ 158.

The administrative area of a local authority may not be changed without hearing the opinion of the authority.

§ 159.

A local authority has the right to form associations and establish joint agencies with other local authorities.

§ 160.

The organisation of work of local authorities and oversight of their activities is provided by law.

Chapter XV

AMENDMENTS OF THE CONSTITUTION

§ 161.

The right to initiate amendments to the Constitution rests with not less than one fifth of the members of the *Riigikogu* and with the President.

Amendments of the Constitution may not be initiated and the Constitution may not be amended during a state of emergency or a state of war.

§ 162.

Chapter I (General Provisions) and Chapter XV (Amendment of the Constitution) of the Constitution may only be amended by referendum.

§ 163.

The Constitution may only be amended by an Act which has been passed by:

- 1) a referendum;
- 2) two successive memberships of the *Riigikogu*;
- 3) the *Riigikogu*, as a matter of urgency.

A Bill to amend the Constitution receives three readings in the *Riigikogu*, of which the interval between the first and the second reading may not be shorter than three months, and the interval between the second and the third reading may not be shorter than one month. The manner in which the Constitution is to be amended is determined in the third reading.

§ 164.

In order to submit a Bill to amend the Constitution to a referendum, a three fifths majority of the members of the *Riigikogu* is required. The referendum may not be held earlier than three months after the passage of a resolution to this effect by the *Riigikogu*.

§ 165.

In order to amend the Constitution by two successive memberships of the *Riigikogu*, a Bill to amend the Constitution must be supported by a majority of the members of the *Riigikogu*.

If the Bill to amend the Constitution has received the support of a majority of the members of the previous *Riigikogu* and is passed by the succeeding *Riigikogu* unamended in the first reading and with a three fifths majority, the Bill is regarded as passed.

§ 166.

A resolution to consider a Bill to amend the Constitution a matter of urgency must be passed by a four fifths majority. If this is the case, the Bill to amend the Constitution is passed by a two thirds majority of the members of the *Riigikogu*.

§ 167.

The Act to Amend the Constitution is promulgated by the President and enters into force on the date specified therein, but not earlier than three months from the date of promulgation.

§ 168.

An amendment to the Constitution concerning an issue in respect of which a Bill to amend the Constitution was rejected in a referendum or in the *Riigikogu* may not be initiated within one year following the rejection of the Bill in the referendum or in the *Riigikogu*.

The Constitution of Georgia

Created – 2.07.1995

Ratified (approved by the Parliament of Georgia) – 24.08.1995

Come into effect – 24.08.1995

Last amendment – 15.10.2010

We, the citizens of Georgia, whose firm will is to establish a democratic social order, economic freedom, a rule-of-law based social State, to secure universally recognised human rights and freedoms, to enhance the state independence and peaceful relations with other people, bearing in mind the centuries-old traditions of the Statehood of the Georgian Nation and the historical-legal heritage of the Constitution of Georgia of 1921, before the God and the Nation proclaim the present Constitution. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Chapter One

GENERAL PROVISIONS

Article 1

1. Georgia is an independent, unified and indivisible state, as confirmed by the Referendum Of 31 March 1991, held throughout the territory of the country, including the Autonomous Soviet Socialist Republic of Abkhazia and the Former Autonomous Region of South Ossetia and by the Act Of Restoration of the State Independence of Georgia of 9 April 1991.
2. The form of political structure of the state of Georgia shall be a democratic republic.
3. “Georgia” shall be the name of the state of Georgia.

Article 2

1. The territory of the state of Georgia shall be determined as of 21 December 1991. The territorial integrity of Georgia and the inviolability of the state frontiers, being recognised by the world community of nations and international organisations, shall be confirmed by the Constitution and laws of Georgia.
2. The alienation of the territory of Georgia shall be prohibited. The state frontiers shall be changed only by a bilateral agreement concluded with the neighbouring State.

3. The territorial state structure of Georgia shall be determined by a Constitutional Law on the basis of the principle of circumscription of authorisation after the complete restoration of the jurisdiction of Georgia over the whole territory of the country.
4. The citizens of Georgia – registered in self-governmental unit – shall regulate the matters of local importance through local self-government in accordance with the legislation of Georgia, without prejudice to the state sovereignty. The bodies of state authority shall support development of the local self-governance. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 3

1. The following shall fall within the exclusive competence of higher state bodies of Georgia:
 - a) legislation on Georgian citizenship, human rights and freedoms, emigration and immigration, entrance and leaving the country, temporary or permanent residence of citizens of foreign states and stateless persons in Georgia;
 - b) the status, boundary regime and defence of the state frontiers; the status and defence of territorial waters, airspace, the continental shelf and Exclusive Economic Zone;
 - c) state defence and security, armed forces, military industry and trade in arms;
 - d) the issues of war and peace, the determination of a legal regime of the state of emergency and the martial law and their introduction;
 - e) foreign policy and international relations;
 - f) foreign trade, customs and tariff regimes;
 - g) state finances and state loan; issuing money; legislation on banking, credit, insurance and taxes;
 - h) standards and models; geodesy and cartography; determination of the exact time; state statistics;
 - i) a unified energetic system and regime; communications; merchant fleet; ensigns; harbours of general state importance; airports and aerodromes; control of airspace, transit and air transport, registration of air transport; meteorological service; environmental observation system;

- j) railways and motor roads of state importance;
 - k) fishing in ocean and high seas;
 - l) frontier-sanitary cordon;
 - m) legislation on pharmaceutical medicines;
 - n) legislation on accreditation of educational institutions and academic degrees; (27.12.2006, N4135)
 - o) legislation on intellectual property;
 - p) legislation on trade law, criminal law, civil law, administrative law and labour law, penitentiary and procedures legislation.
 - q) criminal police and investigation;
 - r) legislation on land, subsoil and natural resources.
2. Issues falling within the joint competence shall be determined separately.
 3. The status of the Autonomous Republic of Ajara shall be determined by the Constitutional Law of Georgia “On the Status of the Autonomous Republic of Ajara”. (20.04.2000, N260)
 4. The status of the Autonomous Republic of Abkhazia shall be determined by the Constitutional Law of Georgia “On the Status of the Autonomous Republic of Abkhazia”. (10.10.2002, N1689)
 5. The status and the competences of the City of Lazika shall be determined by the Organic Law. (29.06.2012, N6602)

Article 4

1. After the creation of appropriate conditions and formation of the bodies of local self-government throughout the whole territory of Georgia two chambers shall be set up within the Parliament of Georgia: the Council of Republic and the Senate.
2. The Council of Republic shall consist of members elected after a proportional system.
3. The Senate shall consist of members elected from Autonomous Republic of Abkhazia (10.10.2002, N1689), the Autonomous Republic of Ajara (20.04.2000, N260) and other territorial units of Georgia and five members appointed by the President of Georgia.
4. The composition, authority and election procedure of the chambers shall be determined by the Organic Law.

Article 5

1. People shall be the source of state authority in Georgia. The state authority shall be exercised within the framework established by the Constitution.
2. The people shall exercise their authority through referendum, other forms of direct democracy and their representatives.
3. No one shall have the right to seize the authority or usurp it.
4. State authority shall be exercised on the basis of the principle of separation of powers.

Article 6

1. The Constitution of Georgia shall be the supreme law of the state. All other legal acts shall correspond to the Constitution.
2. The legislation of Georgia shall correspond to universally recognised principles and norms of international law. An international treaty or agreement of Georgia unless it contradicts the Constitution of Georgia, the Constitutional Agreement (30.03.2001, N826), shall take precedence over domestic normative acts.

Article 7

The state shall recognise and protect universally recognised human rights and freedoms as eternal and supreme human values. While exercising authority, the people and the state shall be bound by these rights and freedoms as directly applicable law.

Article 8

The state language of Georgia shall be Georgian, and in the Autonomous Republic of Abkhazia (10.10.2002, N1689) – also Abkhazian.

Article 9

1. The state shall declare complete freedom of belief and religion, as well as shall recognise the special role of the Apostle Autocephalous Orthodox Church of Georgia in the history of Georgia and its independence from the state.

2. The relations between the state of Georgia and the Apostle Autocephalous Orthodox Church of Georgia shall be determined by the Constitutional Agreement. The Constitutional Agreement shall correspond completely to the universally recognised principles and norms of international law, in particular, in the field of human rights and fundamental freedoms. (30.03.2001, N826)

Article 10

Tbilisi is the capital of Georgia.

Article 11

The state symbols of Georgia shall be determined by the Organic Law.

Chapter Two

CITIZENSHIP OF GEORGIA. FUNDAMENTAL HUMAN RIGHTS AND FREEDOMS

Article 12

1. Georgian citizenship shall be acquired by birth and naturalisation.
2. A citizen of Georgia shall not at the same time be a citizen of another state, save in cases established by this paragraph. Citizenship of Georgia shall be granted by the President of Georgia to a citizen of foreign country, who has a special merit before Georgia or grant the citizenship of Georgia to him/her is due to State interests. (6.02.2004, N3272)
3. The procedure for the acquisition and loss of citizenship shall be determined by the Organic Law.

Article 13

1. Georgia shall protect its citizen regardless of his/her whereabouts.
2. No one shall be deprived of his/her citizenship.
3. The expulsion of a citizen of Georgia from Georgia shall be impermissible.

4. The extradition/transfer of a citizen of Georgia to the foreign state shall be impermissible, except for the cases prescribed by international treaty. A decision on extradition/transfer may be appealed in a court.

Article 14

Everyone is free by birth and is equal before law regardless of race, colour, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.

Article 15

1. Everyone has the inviolable right to life and this right shall be protected by law.
2. Capital punishment is prohibited. (27.12.2006, N4137)

Article 16

Everyone has the right to free development of his/her personality.

Article 17

1. Honour and dignity of an individual is inviolable.
2. Torture, inhuman, cruel treatment and punishment or treatment and punishment infringing upon honour and dignity shall be impermissible.
3. Physical or mental coercion of a person detained or otherwise restricted in his/her liberty is impermissible. (27.12.2006, N4137)

Article 18

1. Liberty of an individual is inviolable.
2. Deprivation of liberty or other restriction of personal liberty without a court decision shall be impermissible.
3. An arrest of an individual shall be permissible by a specially authorised official in the cases determined by law. Everyone arrested or otherwise restricted in his/her liberty shall be brought before a competent court not later than 48 hours. If, within next 24 hours, the court fails to adjudicate

upon the detention or another type of restriction of liberty, the individual shall immediately be released.

4. Removed. (27.12.2006, N4137)
5. An arrested or detained person shall be informed about his/her rights and the grounds for restriction of his/her liberty upon his/her arrest or detention. The arrested or detained person may request for the assistance of a defender upon his/her arrest or detention, the request shall be met.
6. The pre-detention term of an accused shall not exceed 9 months. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
7. The violation of the requirements of the present Article shall be punishable by law. A person arrested or detained illegally shall have the right to receive compensation.

Article 19

1. Everyone has the right to freedom of speech, thought, conscience, religion and belief.
2. The persecution of a person on the account of his/her speech, thought, religion or belief as well as the compulsion to express his/her opinion about them shall be impermissible.
3. The restriction of the freedoms enumerated in the present Article shall be impermissible unless their manifestation infringes upon the rights of others.

Article 20

1. Everyone's private life, place of personal activity, personal records, correspondence, and communication by telephone or other technical means, as well as messages received through technical means shall be inviolable. Restriction of the aforementioned rights shall be permissible by a court decision or also without such decision in the case of the urgent necessity provided for by law.
2. No one shall have the right to enter the house and other possessions against the will of possessors, or conduct search unless there is a court decision or the urgent necessity provided for by law.

Article 21

(15.10.2010, N3710 shall enter into force from January 1st, 2011)

1. The property and the right to inherit shall be recognised and inviolable. The abrogation of the universal right to property, of the right to acquire, alienate and inherit property shall be impermissible.
2. The restriction of the rights referred to in the first paragraph shall be permissible for the purpose of the pressing social need in the cases determined by law and in accordance with the established procedure, without prejudice of the essence of the property right.
3. Deprivation of property for the purpose of the pressing social need shall be permissible in the circumstances as expressly determined by law, under a court decision or in the case of the urgent necessity determined by the Organic Law and only with the condition of prior, full and fair compensation. The compensation shall be free from any taxes and charges.

Article 22

1. Everyone legally within the territory of Georgia shall, within throughout the territory of the country, have the right to freedom of movement and freedom to choose his/her residence.
2. Everyone legally within the territory of Georgia shall be free to leave Georgia. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. These rights may be restricted only in accordance with law, in the interests of securing national security or public safety, protection of health, prevention of crime or administration of justice that is necessary for maintaining a democratic society.
4. A citizen of Georgia may freely enter Georgia. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 23

1. The freedom of intellectual creation shall be guaranteed. The copyright shall be inviolable.
2. Interference in creative process, censorship in the field of creative activity shall be impermissible.
3. The seizure of creative work and prohibition of its dissemination shall be impermissible unless it infringes upon the legal rights of others.

Article 24

1. Everyone has the right to freely receive and impart information, to express and impart his/her opinion orally, in writing or by in any other means.
2. Mass media shall be free. The censorship shall be impermissible.
3. Neither the state nor particular individuals shall have the right to monopolise mass media or means of dissemination of information.
4. The exercise of the rights enumerated in the first and second paragraphs of the present Article may be restricted by law on such conditions which are necessary in a democratic society in the interests of ensuring state security, territorial integrity or public safety, for preventing of crime, for the protection of the rights and dignity of others, for prevention of the disclosure of information acknowledged as confidential or for ensuring the independence and impartiality of justice.

Article 25

1. Everyone, except members of the armed forces and Ministry of Internal Affairs, has the right to public assembly without arms either indoors or outdoors without prior permission. (23.12.2005, N2494)
2. The necessity of prior notification of the authorities may be established by law in the case where a public assembly or manifestation is held on a public or transport thoroughfare.
3. Authorities shall have the right to brake up a public assembly or manifestation only in case it assumes an illegal character.

Article 26

1. Everyone shall have the right to form and to join public associations, including trade unions.
2. Citizens of Georgia shall have the right to form a political party or other political association and participate in its activity in accordance with the Organic Law.
3. The formation and activity of such public and political associations aiming at overthrowing or forcibly changing the constitutional structure of Georgia, infringing upon the independence and territorial integrity of the country or propagandising war or violence, provoking national, local, religious or social animosity, shall be impermissible.

4. The creation of armed formations by public and political associations shall be impermissible.
5. A person who is enrolled in the personnel of the armed forces or the forces of the bodies of internal affairs or a person having been appointed as a judge or a prosecutor shall cease his/her membership of any political association. (23.12.2005, # 2494)
6. Suspension or prohibition of the activity of public or political associations shall be possible only under a court decision, in the cases determined by the Organic Law and in accordance with a procedure prescribed by law.

Article 27

The state shall be entitled to impose restriction on the political activity of citizens of a foreign country and stateless persons.

Article 28

1. Every citizen of Georgia who has attained the age of 18 shall have the right to participate in referendum or elections of state and self-government bodies. Free expression of the will of electors shall be guaranteed.
2. A citizen, who is recognised as legally incapable by a court or who is detained in a penitentiary institution following a conviction by a court, shall have no right to participate in elections and referendum, except of person, who committed less grave crime. (27.11.2011, N5630)

Article 29

1. Every citizen of Georgia shall have the right to hold any state position if he/she meets the requirements established by legislation.
- 1¹. The office of the President of Georgia, the Prime-Minister and the Chairman of the Parliament should not be held by the citizen of Georgia, who is the citizen of foreign country at the same time. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
2. The conditions of public office shall be determined by law.

Article 30

1. Labour shall be free.
2. The state shall be bound to promote the development of free entrepreneurial activity and competition. Monopolistic activity shall be prohibited except for the cases permitted by law. The rights of consumers shall be protected by law.
3. On the basis of international agreements governing labour relations, the state shall protect the labour rights of the citizens of Georgia abroad.
4. The protection of labour rights, fair remuneration of labour and safe, healthy working conditions and the working conditions of minors and women shall be determined by the Organic Law. (15.10.2010, N3710)

Article 31

The state shall take care for the equal socio-economic development of the whole territory of the country. With the view of ensuring the socio-economic progress of the high mountain regions special privileges shall be determined by law.

Article 32

The state shall promote the unemployed citizen of Georgia to be employed. The conditions of the provision of a minimum standard of living and the status of the unemployed shall be determined by law.

Article 33

The right to strike shall be recognised. Procedure of exercising this right shall be determined by law. The law shall also establish the guarantees for the functioning of services of vital importance.

Article 34

1. The state shall promote the development of culture, the unrestricted participation of citizens in cultural life, expression and enrichment of cultural originality, recognition of national and common values and deepening of international cultural relations.

2. Every citizen of Georgia shall be obliged to care for the protection and preservation of the cultural heritage. The state shall protect the cultural heritage by law.

Article 34¹

(15.10.2010, N3710 shall enter into force from January 1st, 2011)
The State shall facilitate the physical development of adults and youth by joint cooperation with educational institutions, sport unions by their involvement in sport activity.

Article 35

1. Everyone shall have the right to receive education and the right to free choice of a form of education.
2. The state shall ensure harmonization of the national educational system within the international educational space. (27.12.2006, N4135)
3. Pre-school education shall be guaranteed by the State. Elementary and basic education shall be compulsory. The state shall fully finance basic education as prescribed by law. Citizens shall have the right to receive State-financed vocational and higher education as prescribed by law. (27.12.2006, N4135)
4. The state shall support educational institutions in accordance with the procedure established by law.

Article 36

1. Marriage shall be based upon equality of rights and free will of spouses.
2. The state shall promote the prosperity of the family.
3. The rights of the mother and the child shall be protected by law.

Article 37

1. Everyone shall have the right to enjoy health insurance as a means of accessible medical aid. In the cases determined in accordance with a procedure prescribed by law, free medical aid shall be provided.
2. The state shall control all institutions of health protection and the production and trade of medicines.

3. Everyone shall have the right to live in healthy environment and enjoy natural and cultural surroundings. Everyone shall be obliged to care for natural and cultural environment.
4. With the view of ensuring safe environment for the human health, in accordance with ecological and economic interests of society, with due regards to the interests of the current and future generations the state guarantees the protection of environment and the rational use of natural resources, sustainable development of the country. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
5. Everyone has the right to timely receive complete and objective information about the state of environment. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 38

1. Citizens of Georgia shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging. In accordance with universally recognised principles and rules of international law, they shall have the right to develop freely, without any discrimination and interference, their culture, to use their mother tongue in private and in public.
2. In accordance with universally recognised principles and rules of international law, the exercise of minority rights shall not oppose the sovereignty, state structure, territorial integrity and political independence of Georgia.

Article 39

The Constitution of Georgia shall not deny other universally recognised rights, freedoms and guarantees of an individual and a citizen, which are not referred to herein but stem inherently from the principles of the Constitution.

Article 40

1. An individual shall be presumed innocent until the commission of an offence by him/her is proved in accordance with the procedure prescribed by law and under a final judgment of conviction.

2. No one shall be obliged to prove his innocence. A burden of proof shall rest with the prosecutor.
3. A resolution on preceding a person as an accused, a bill of indictment and a judgment of conviction shall be based only on the evidence beyond a reasonable doubt. An accused shall be given the benefit of doubt in any event.

Article 41

1. Every citizen of Georgia shall have the right to become acquainted, in accordance with a procedure prescribed by law, with the information about him/her stored in state institutions as well as official documents existing there unless they contain state, professional or commercial secret.
2. The information existing on official papers pertaining to individual's health, his/her finances or other private matters, shall not be accessible to any one without the consent of the individual in question except in the cases determined by law, when it is necessary for ensuring the state security or public safety, for the protection of health, rights and freedoms of others.

Article 42

1. Everyone has the right to apply to a court for the protection of his/her rights and freedoms.
2. Everyone shall be tried only by a court under jurisdiction of which his/her case is.
3. The right to defence shall be guaranteed.
4. No one shall be convicted twice for the same crime.
5. No one shall be held responsible on account of an action, which did not constitute a criminal offence at the time it was committed. The law that neither mitigate nor abrogate responsibility shall have no retroactive force.
6. The accused shall have the right to request summoning and interrogation of his/her witnesses under the same conditions as witnesses of the prosecution.
7. Evidence obtained in contravention of law shall have no legal force.
8. No one shall be obliged to testify against him/herself or those relatives whose circle shall be determined by law.
9. Any person who has illegally sustained damage from the State, Autonomous Republics or self-government bodies and officials shall be guar-

anteed to receive full compensation accordingly from funds of the State, Autonomous Republics or self-government bodies through the court proceedings. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 43

1. The protection of human rights and fundamental freedoms within the territory of Georgia shall be supervised by the Public Defender of Georgia who shall be elected for a term of five years by the majority of the total number of the members of the Parliament of Georgia.
2. The Public Defender shall be authorised to reveal facts of the violation of human rights and freedoms and to report on them to corresponding bodies and officials. The creation of impediments to the activity of the Public Defender shall be punishable by law.
3. The authority of the Public Defender shall be determined by the Organic Law.

Article 44

1. Everyone residing in Georgia shall be obliged to observe the requirements of the Constitution and legislation of Georgia.
2. The exercise of the rights and freedoms of an individual shall not infringe upon the rights and freedoms of others.

Article 45

The fundamental rights and freedoms enshrined in the Constitution with due regard to their contents shall apply to legal entities as well.

Article 46

1. In case of a state emergency or martial law, the President of Georgia shall be authorised to restrict the rights and freedoms enumerated in Articles 18, 20, 21, 22, 24, 25, 30, 33 and 41 of the Constitution either throughout the whole country or a certain part thereof. The President shall be obliged to submit the decision to the Parliament for approval within 48 hours.
2. In case of introduction of a state of emergency or martial law throughout the whole territory of the state, elections of the President of Georgia, the

Parliament of Georgia or other representative bodies of Georgia shall be held upon the cancellation of the state. In case of introduction of a state of emergency in a certain part of the state the Parliament of Georgia shall adopt a decision on holding the elections throughout the other territories of the state. (6.02.2004, N3272)

Article 47

1. Foreign citizens and stateless persons residing in Georgia shall have the rights and obligations equal to the rights and obligations of citizens of Georgia with exceptions envisaged by the Constitution and law.
2. In accordance with universally recognised rules of international law, the procedure established by law, Georgia shall grant asylum to foreign citizens and stateless persons.
3. It shall be inadmissible to extradite/transfer an individual seeking a shelter, being persecuted for political creed or prosecuted for an action not regarded as a crime under the legislation of Georgia.

Chapter Three **THE PARLIAMENT OF GEORGIA**

Article 48

The Parliament of Georgia shall be the supreme representative body of the country, which exercises legislative power, determines the main directions of domestic and foreign policy, exercises control over the activity of the Government within the framework determined by the Constitution and exercises other powers.

Article 48¹

(1.07.2011, N4985) (24.09.2009, N1674 shall enter into force after publication of summary protocol of the results of next general parliamentary elections by the Central Election Commission of Georgia)

1. The place of location of the Parliament shall be the City of Kutaisi.
2. Temporal dislocation of the Parliament with the purpose of arranging ple-

nary meeting or session shall be admissible only in case of state emergency or wartime.

Article 49

1. Unless the conditions prescribed by the Article 4th of the Constitution of Georgia are set up, the Parliament of Georgia shall consist of 75 members of the Parliament elected by a proportional system and 75 members of Parliament elected by a majority system for a term of four years on the basis of universal, equal and direct suffrage by secret ballot. (12.03.2008, N5853)
- (1. Unless the conditions prescribed by the Article 4th of the Constitution of Georgia are set up, the Parliament of Georgia shall consist of 77 members of the Parliament elected by a proportional system and 73 members of Parliament elected by a majority system for a term of four years on the basis of universal, equal and direct suffrage by secret ballot. (27.12.2011, N5630 shall enter into force after publication of summary protocol of the results of the 2012 Parliamentary Elections.))
2. A citizen, who has attained the age of 21, having the right to vote, may be elected a member of the Parliament. (22.05.2012, N6238)
3. The internal structure of the Parliament and procedure of its activity shall be determined by the Regulations of the Parliament.
4. The current expenditure for the Parliament of Georgia in the State Budget comparatively to the amount of budgetary means of the previous year may be reduced only by the prior consent of the Parliament. The Parliament shall adopt a decision itself on the distribution of the budgetary means of the Parliament in the State Budget. (6.02.2004, N3272)

Article 50

1. A political union of citizens registered in accordance with a procedure determined by law, the initiative of which is confirmed by the signatures of voters as determined by the Organic Law, or which has a representative in the Parliament at the time elections are fixed, shall have the right to stand for the elections. Number of voters' signatures, established by the Organic Law shall not exceed 1% of the total number of voters. Rules and conditions for participation in the elections with majoritarian system shall be determined by the Electoral Legislation. (12.03.2008, N5853)
2. The mandates of the members of the Parliament under proportional sys-

tem shall be distributed only among those political unions and electoral blocs, which obtain at least 5% of the votes of the voters, participated in the elections. After distribution of the mandates of MPs, those electoral subjects, which gathered mandates less than that is required to establish parliamentary faction, shall be added mandates in accordance with the legislation of Georgia unless they gather necessary number of mandates for establishment of a faction. Distribution of mandates among MPs elected under majoritarian system shall be determined by the Electoral Legislation. (27.12.2011, N5630)

- 2¹. Regular parliamentary elections shall be held in October of the year when the Parliament's term of office expires. The President of Georgia shall fix the date of elections within not later than 60 days before the elections. (27.12.2006, N4133)
3. If the date of holding the elections coincides with a state of emergency or martial law, the elections shall be held not later than 60 days after the state has been lifted. The President of Georgia shall fix the date of elections upon lifting of the state of emergency or martial law. In case of dissolution of the Parliament, extraordinary elections shall be held on the 60th day after enforcement of the order on the dissolution of the Parliament, the date of which shall be fixed by the President of Georgia upon enforcement of the order on the dissolution of the Parliament. (27.12.2006, N4133)
- 3¹. The Parliament shall terminate the activity upon the enforcement of the order of the President on the dissolution of the Parliament. From the enforcement of the order of the President on the dissolution of the Parliament to the first convocation of the newly elected Parliament the dissolved Parliament shall assemble only in case of declaration of a state of emergency or martial law by the President to decide on the issues of prolongation or/and approval a state of emergency or martial law. In case the Parliament is not assembled within 5 days or does not approve (prolong) the order of the President on the declaration (prolongation) of a state of emergency, the announced state of emergency shall be cancelled. In case the Parliament does not approve the order of the President on the declaration (prolongation) of a state of martial law within 48 hours, the state of martial law shall be cancelled. Convocation of the Parliament shall not result in restoration of the offices and salaries of the members of the Parliament. The Parliament shall terminate an activity upon the adoption of a decision on the above mentioned issues. (6.02.2004, N3272)

4. The authority of the Parliament shall be terminated upon the first convocation of the newly elected Parliament.
5. The election procedure of a member of the Parliament as well as inadmissibility to stand for the elections shall be determined by the Constitution and the Organic Law.

Article 51

The first sitting of the newly elected Parliament of Georgia shall be held within 20 days after the elections. The day of the first sitting shall be scheduled by the President of Georgia. The Parliament shall begin its work if the authority of not less than two thirds of the members of the Parliament is confirmed.

Article 51¹

The Parliament shall be dissolved by the President only in cases determined by the Constitution, save for:

- a. within six months from the holding of the elections of the Parliament;
(a. Within 6 months after the parliamentary elections, if the Parliament is not dissolved on the grounds provided by Article 80; (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
- b. exercising of an authority determined by Article 63 of the Constitution by the Parliament;
- c. in time of a state of emergency or war;
- d. within the last 6 months of the term of office of the President of Georgia. (6.02.2004, N3272)
- (d. Within the last 6 months of the tenure of the President, if the dismissal is not occurring according to the Article 80 of the Constitution. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

Article 52

1. A member of the Parliament of Georgia shall be a representative of the whole Georgia. He/she shall enjoy a free mandate and his/her recall shall be impermissible.

2. Arrest or detention of a member of the Parliament, the search of his/her apartment, car, workplace or his/her person shall be permissible only by the consent of the Parliament, except in the cases when he/she is caught flagrante delicto which shall immediately be notified to the Parliament. Unless the Parliament gives the consent, the arrested or detained member of the Parliament shall immediately be released. (23.04.2004, #6)
3. A member of the Parliament shall have the right not to testify on the fact disclosed to him/her as to a member of the Parliament. Seizure of written materials connected with this matter shall be impermissible. The right shall also be reserved to a member of the Parliament after the termination of his/her office.
4. A member of the Parliament shall not be preceded on the account of the ideas and opinions expressed by him/her in and outside the Parliament while performing his/her duties.
5. The conditions of unimpeded exercise of the authority by a member of the Parliament shall be guaranteed. On the basis of the application of a member of the Parliament the state bodies shall ensure his/her personal security.
6. The creation of impediments to the discharge of the duties by a member of the Parliament shall be punishable by law.

Article 53

1. A member of the Parliament shall not be entitled to hold any position in public office or engage in an entrepreneurial activity. The conflict of interests shall be determined by law.
2. In case of a violation of the requirements set out in the preceding paragraph, the office of a member of the Parliament shall be terminated.
3. A member of the Parliament shall receive remuneration as determined by law.

Article 54

1. The Parliament shall decide about the issue of the recognition or pre-term termination of the office of a member of the Parliament. The decision of the Parliament may be appealed to the Constitutional Court.

2. The office of a member of the Parliament shall be pre-term terminated in the following cases:
 - a. resignation from office by a personal application;
 - b. a final judgment of conviction is rendered by a court against him/her;
 - c. recognition by a court as legally incapable, missing or dead;
 - d. occupation of a position or engagement in an activity incompatible with the status of a member of the Parliament;
 - e. loss of Georgian citizenship;
 - f. failure to participate in the work of the Parliament for a period of four months without a good reason;
 - g. death.

Article 55

1. The Parliament of Georgia for the term of its authority, in accordance with a procedure established by the Regulations of the Parliament shall elect the Chairman and the Deputy-Chairmen of the Parliament by a secret ballot, *inter alia*, one member of the Parliament elected respectively from the Autonomous Republic of Abkhazia (10.10.2002, N1689) and the Autonomous Republic of Ajara upon their nomination. (20.04.2000, N260)
2. The Chairman of the Parliament shall lead the work of the Parliament; ensures free expression of opinions, signs acts adopted by the Parliament, performs other authorities provided for by the Regulations of the Parliament.
3. A Vice-Speaker shall perform the responsibilities of the Chairman under the instructions of the latter, in case of inability of the Chairman to exercise his/her authority or his/her dismissal.
4. The Chairman of the Parliament shall exercise all administrative functions in the House of the Parliament in accordance with a procedure provided for by the Regulations of the Parliament.

Article 56

1. With the view of the preliminary preparation of the legislative issues, facilitating the implementation of decisions, controlling the activities of the bodies accountable before the Parliament and the Government Committees shall be set up in the Parliament for the term of its authority.

2. In cases prescribed by the Constitution and the Rules of Procedures of the Parliament, also by the request of at least one fifth of MPs, the investigative or other temporary commissions shall be established in the parliament. The decision on establishment of the temporary commission shall be made according to the rules set by the regulations of the Parliament. Representative of Parliamentary majority shall not be more than half of the total composition of the temporary commission. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. At the request of the investigative commission, appearance before its sitting and submission of the documents, necessary for examination of the issue, is obligatory.

Article 57

1. With the view of organising the work of the Parliament, a Bureau of the Parliament shall be set up. It shall consist of the Chairman of the Parliament of Georgia, Deputy-Chairmen, Chairmen of the Parliamentary Committees and Parliamentary Factions.
2. Removed (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 58

1. The members of the Parliament shall be entitled to unite in a Parliamentary Faction. The number of the members of the Parliamentary Faction shall be not less than six. (10.10.2008, N343)
2. The formation and functioning procedure of a faction and its authority shall be determined by law and the Regulations of the Parliament.

Article 59

1. A member of the Parliament shall be entitled to apply with a question to the bodies accountable to the Parliament, the Government, a member of the Government, the mayor of the city, the heads of executive bodies of the territorial units of any level, state institutions and to receive answers from them.
- (1. A member of the Parliament shall be entitled to apply with a question to the body accountable to the Parliament, the Government, a member of

the Government, head of executive body of territorial unit of any level, the state institutions and receive answers from them. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

2. A group of at least ten members of the Parliament or a Parliamentary Faction shall be entitled to apply with a question to any body accountable to the Parliament, the Government, and a particular member of the Government the latter being obliged to answer the raised questions at a sitting of the Parliament. The answer may become a matter of discussion of the Parliament.
3. The Parliament shall be authorised to raise a question of official liability of a particular member of the Government before the Prime Minister. In case the Prime Minister does not dismiss that member of the Government, he/she shall submit his/her motivated decision to the Parliament within two weeks. (6.02.2004, N3272)
- (3. The Parliament shall be authorized to raise a question of official liability of certain members of the Government before the Prime-Minister by majority of total number of MPs. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

Article 60

1. Sittings of the Parliament shall be public. Under the decision of the majority of the members of the Parliament present, the Parliament shall be entitled to declare a sitting or a part thereof closed while discussing a particular issue.
2. A member of the Government, an official elected, appointed or approved by the Parliament, shall be entitled and in case of request shall be obliged to attend the sittings of the Parliament, its Committee or Commission, to answer the raised questions at a sitting and submit an account of an activity. At a request such an official shall be heard by the Parliament, Committee or Commission. (6.02.2004, N3272)
3. Voting at the plenary session of the parliament shall be open or closed. Voting shall always be open except in the cases prescribed by the Constitution or law. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

4. The minutes of the open plenary session of Parliament are public. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 61

1. The Parliament of Georgia shall assemble ex officio for a regular session twice a year. The autumn session shall open on the first Tuesday of September and close on the third Friday of December. The spring session shall open on the first Tuesday of February and close on the last Friday of June.
2. The President of Georgia at the request of the Chairman of the Parliament, not less than one fourth of the members of the Parliament or on his/her own initiative during the period between regular sessions shall convene an extraordinary session of the Parliament and in the duration of a regular session – an extraordinary sitting. If within 48 hours after such a written submission was made, the President fails to issue the act of convocation, the Parliament shall be obliged to start its work within the following 48 hours in accordance with its Regulations.
- (2. The President of Georgia at the request of the Chairman of the Parliament, by no less than one- fourth of MPs, by request of the Government of Georgia, shall, between regular sessions, convene an extraordinary session of the Parliament and shall also convene a special sitting during a regular session. If the act of convocation has not been issued within 48 hours after submission of a written request, the Parliament shall assemble within following 48 hours in accordance with its Rules of Procedures. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
3. Special sitting of the Parliament shall follow a specific agenda and it shall close upon the exhaustion of the agenda.
4. From the declaration of a state of emergency or martial law by the President, the Parliament shall assemble within 48 hours. The Parliament shall work until the end of the state.

Article 62

Decision of the Parliament on the issues of war and peace, state of emergency or martial law and issues determined by Article 46 of the Constitution

shall be adopted by the majority of the total number of the members of the Parliament.

Article 63

1. Under the circumstances defined in the second paragraph of Article 75, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question of the dismissal of the President of Georgia in accordance with impeachment procedure. The case shall be submitted to the Supreme Court or Constitutional Court for a conclusion.
2. If, by its conclusion, the Supreme Court confirmed corpus delicti in the act of the President or the Constitutional Court confirmed the violation of the Constitution, after having discussed the conclusion the Parliament shall adopt a decision by the majority of votes of the total number of the members of the Parliament on putting the issue of impeachment of the President to the vote.
3. The President shall be deemed to be dismissed from the office in accordance with impeachment procedure, if not less than two thirds of the total number of the members of the Parliament supported the decision.
4. The issue shall be deemed stricken off if the Parliament fails to adopt the decision within a term of 30 days. Bringing of the same charge against the President shall be impermissible during the following one year.
5. Discussion of the charge brought against the President and the adoption of the decision in the Parliament shall be impermissible during war, a state of emergency or martial law.

Article 63

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. In the cases envisaged in Paragraph 2 of Article 75, no less than one third of total members of the Parliament shall be authorized to start the case on dismissal of the President according to impeachment procedure. The question shall be delivered to the Constitutional Court of Georgia for conclusion.
2. If the Constitutional Court approves signs of corpus delicti in actions of the President or violation of the Constitution, the Parliament shall discuss

and vote the dismissal of the President according to impeachment procedures no later than 15 days after submission of the conclusion.

3. The President shall be deemed as dismissed through impeachment procedure if this decision is supported by no less than two third of all members of the Parliament.
4. If the Parliament does not make the decision on dismissal of the President through impeachment procedure within the terms provided in Paragraph 2 hereof, commencement of impeachment procedure on the same question shall not be admitted.
5. Impeachment procedure should not be implemented during the state of emergency or wartime.

Article 64

1. In case of the violation of the Constitution or/and commission of criminal offences, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question about the dismissal in accordance with impeachment procedure of the President of the Supreme Court, members of the Government, the Auditor General of the State Audit Office and members of the Council of National Bank. (22.05.2012, N6239)
2. After having received the conclusion in accordance with a procedure envisaged in the second paragraph of Article 63, the Parliament shall be authorised to dismiss the officials listed in the first paragraph of the present Article by the majority of the total number of the members of the Parliament. The requirements of the fourth paragraph of Article 63 shall apply to such cases as well.

Article 65

1. The Parliament of Georgia by the majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements.
- 1¹. The Government of Georgia shall apply to the Parliament of Georgia on ratification, denunciation and termination of international treaties and agreements, and in cases provided by the Sub-paragraphs “a” – “c”, Paragraph 2 hereof, as well in case if the agreement is concluded by the Pres-

- ident of Georgia – the President of Georgia, which requires countersignature by Prime-Minister. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)
2. Apart from the international treaties and agreements providing for ratification, it shall also be obligatory to ratify an international treaty and agreement which:
 - a. provides for accession of Georgia to an international organisation or inter-state union;
 - b. is of a military character;
 - c. pertains to the territorial integrity of the state or change of the state frontiers;
 - d. is related to borrowing or lending loans by the state;
 - e. requires a change of domestic legislation, adoption of necessary laws and acts with force of law with the view of honouring the undertaken international obligations.
 3. The Parliament shall be notified about the conclusion of other international treaties and agreements.
 4. In case of lodging a constitutional claim or a submission to the Constitutional Court, ratification of the respective international treaty or agreement shall be impermissible before adjudication by the Constitutional Court.

Article 66

1. A draft law or a draft resolution shall be deemed to be adopted if it is supported by the majority of the members of the Parliament present, but not be less than one third of the total number of the members of Parliament unless the Constitution determines another procedure for the adoption of the draft law or draft resolution.
 - 1¹. A Constitutional Agreement shall be deemed approved if it is supported by not less than three-fifth of the total number of the members of the Parliament. (30.03.2001, N826)
2. A draft Organic Law shall be deemed adopted if it is supported by more than half of the number of the members of the Parliament on the current nominal list.

3. The consent of the Parliament shall be adopted in the form of a resolution unless another procedure is defined by the Constitution.
4. The procedure for the adoption of other decisions shall be defined by the Regulations of the Parliament.

Article 67

1. The President of Georgia only in the exclusive cases, the Government, a member of the Parliament, a Parliamentary Faction, a Parliamentary Committee, the higher representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, and not less than 30,000 voters shall have the right of legislative initiative.
2. Draft law submitted by the President or Government of Georgia shall be discussed in an extraordinary manner, upon their request.
3. In case the Government does not submit the remarks with regard to a draft law considering in the Parliament within a term provided for by law, the draft law shall be deemed approved. (6.02.2004, N3272)

Article 67

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The Government, a member of the Parliament, a Parliamentary Faction, a Parliamentary Committee, the high representative bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara, no less than 30 000 voters, shall have the right of legislative initiative.
2. At the request of the Government, the Parliament shall discuss a draft law in an extraordinary manner.

Article 68

1. A draft law adopted by the Parliament shall be submitted to the President of Georgia within a term of seven days. (6.02.2004, N3272)
2. The President shall sign and promulgate the law within a term of ten days or return it to the Parliament with reasoned remarks.
3. If the President returns the draft law to the Parliament, the latter shall put to the vote the remarks of the President. For the adoption of the remarks

the same number of votes shall suffice as determined for this kind of draft law by Article 66 of the Constitution. If the remarks are adopted, the final redaction of the draft law shall be submitted to the President who shall sign and promulgate it within a term of seven days.

4. If the Parliament rejects the remarks of the President, the initial redaction of the draft law shall be put to the vote. A law or an Organic Law shall be deemed to be adopted if it is supported by not less than three fifths of the number of the members of the Parliament on the current nominal list. The constitutional amendment shall be deemed to be passed if it is supported by not less than two thirds of the total number of the members of the Parliament.
- (4. If the Parliament rejects the remarks of the President, the initial draft shall be put to vote. Draft law shall be deemed adopted if it is supported by more than half of the listed number of MPs. Draft organic law shall be deemed adopted if it is supported by more than half of the total composition of the parliament. Draft constitutional law shall be deemed adopted if it is supported by no less than three fourths of the total number of the members of the Parliament. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
5. If the President fails to promulgate the draft law within the defined term, the Chairman of the Parliament shall sign and promulgate it.
6. A law shall enter into force on the fifteenth day after its official promulgation unless another term is defined.

Chapter Four

THE PRESIDENT OF GEORGIA

Article 69

1. The President of Georgia shall be the Head of State of Georgia. (6.02.2004, N3272)
2. The President of Georgia shall lead and exercise the internal and foreign policy of the state. He/she shall ensure the unity and integrity of the country and the activity of the state bodies in accordance with the Constitution.

3. The President of Georgia shall be the higher representative of Georgia in foreign relations.

Article 69

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The President of Georgia is the Head of the State of Georgia, the guarantor of national independence and unity of the country. The President of Georgia shall provide functioning of the state organs within the scope of authorities entitled by the Constitution.
2. The President of Georgia is the supreme Commander-in-Chief of the Armed Forces of Georgia.
3. The President of Georgia represents Georgia in foreign relations.

Article 70

1. The President of Georgia shall be elected on the basis of universal, equal and direct suffrage by secret ballot for a term of five years. The same person may be elected the President only for two subsequent terms.
2. Any person may be elected as the President of Georgia if he/she is a citizen of Georgia, has the right to vote, has attained the age of 35, has lived in Georgia for at least 5 years and has resided in Georgia for last 3 years by the Election Day. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. The right to nominate a candidate to the office of the President shall be vested with a political union of citizens or an initiative group. The nomination of a candidate should be confirmed by voters' signatures in accordance with the rule established by the Organic Law. Number of voters' signatures, established by the Organic Law shall not exceed 1% of the total number of voters. (12.03.2008, N5853)
4. A candidate shall be deemed to be elected if he/she has obtained more than half of the votes of participants. (6.02.2004, N3272)
5. If no candidate has received the required number of votes in the first round, a second round of elections shall be held in two weeks after an official announcement of the first round results. (27.12.2006, N4133)

6. Two candidates having the best results in the first round shall be put to the vote in the second round. The candidate who received more votes shall be deemed to be elected. (6.02.2004, N3272)
7. If only one candidate participated in the first round of elections, who did not receive the necessary number of votes, new elections shall be held within two months from the date of elections. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
8. No election shall be held in case of a state of emergency or wartime.
9. Regular elections for Presidency shall be held in October of the calendar year when the presidential authority expires. The President of Georgia shall fix the date of the elections not later than within 60 days before the elections. (27.12.2006, N4133)
10. Removed. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 71

1. Before taking up an office the new President shall make a programme speech and take the following oath:
 1. “I, the President of Georgia, before the God and the Nation, declare to observe the Constitution of Georgia, defend the independence, unity and indivisibility of the country, to perform faithfully the duties of the President, to take care for the security and welfare of the citizens of my country and for the revival and might of my Nation and Fatherland”.
 2. The ceremony envisaged in the first paragraph of this article shall take place on the third Sunday after the day of the election of the President. Tenure of the President terminates upon the inauguration of the newly elected President. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 72

The President of Georgia shall not have the right to hold any other position except for a party position, engage in entrepreneurial activity, and receive salary or another permanent remuneration for any other activity. (6.02.2004, N3272)

Article 72

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)
The President of Georgia may not hold any other position, including partisan, conduct any entrepreneurial activities and receive salary or any permanent remuneration for any other activities.)

Article 73

1. The President of Georgia shall:

- a) conclude international agreements and treaties, negotiate with foreign states; appoint and dismiss ambassadors and other diplomatic representatives of Georgia with the consent of the Parliament; accredit ambassadors and other diplomatic representatives of foreign states and international organisations; (27.12.2006, N4133)
- a¹) conclude a constitutional agreement with the Apostle Autocephalous Orthodox Church of Georgia on behalf of the state of Georgia; (30.03.2001, # 826)
- b) appoint the Prime Minister, give the Prime Minister consent to appoint a member of the Government – a Minister; (6.02.2004, N3272)
- c) be entitled, on his/her own initiative or in other cases envisaged by the Constitution, to dissolve the Government, dismiss the Ministers of Internal Affairs, Defence and Justice of Georgia (10.10.2008, N344)
- d) accept the resignation of the Government, a member of the Government and other officials as determined by law, shall be entitled to require the Government, a member of the Government to perform their official duties until the appointment of a new composition of the Government or a new member of the Government; (6.02.2004, N3272)
- e) give the Government consent to submit the State Budget of Georgia to the Parliament; (6.02.2004, N3272)
- f) submit the Parliament the officials, appoint and dismiss them in the cases and in accordance with the procedure defined in the Constitution and law;
- g) declare a martial law in the case of armed attack on Georgia, make peace when appropriate conditions exist and submit the decisions to the Parliament within 48 hours for approval;
- h) in the case of war or mass disorder, infringement upon the territorial

- integrity of the country, coup d'etat, armed insurrection, ecological disasters, epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the Parliament within 48 hours for approval. In the case of a state of emergency issue the decrees having the force of law, which shall remain in force until the end of the state of emergency, shall take emergency measures. The decrees shall be submitted to the Parliament when it is assembled. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in the present paragraph;
- i) with the consent of the Parliament, be entitled to suspend the activity of the institutions of self-government or other representative bodies of territorial units or dismiss them if their activity endangers the sovereignty, territorial integrity of the country or the exercise of constitutional authority of state bodies;
 - j) issue decrees and orders on the basis of the Constitution and law;
 - k) sign and promulgate laws in accordance with the procedure prescribed by the Constitution;
 - l) decide about the matters of citizenship, granting asylum;
 - m) award state honours, higher military ranks, special and honorary titles and higher diplomatic ranks;
 - n) grant pardon to convicted persons;
 - o) dissolve the Parliament in accordance with a procedure and in the cases established by the Constitution; (6.02.2004, N3272)
 - p) Removed; (27.12.2006, N4133)
 - q) from the dissolution of the Parliament to the first convocation of the newly elected Parliament, in the exclusive cases, be entitled to issue a decree having the force of law on tax and budgetary issues, which shall be invalid in case it is not approved by the newly elected Parliament within a month from the first convocation; (6.02.2004, N3272)
 - r) be entitled to appoint the Prime Minister and give his/her consent for the appointment of the ministers under the circumstances defined in subparagraphs "a"–"d" of Article 511 in case of non-declaration of confidence to the composition of the Government by the Parliament within a term established by the Constitution. Within a month from the end of the above mentioned circumstances the President shall

- re-submit the composition of the Government to the Parliament for confidence. (6.02.2004, N3272)
2. The President shall schedule the date of elections of the Parliament and representative bodies in accordance with the procedure prescribed by law.
 3. The President of Georgia shall be authorised to suspend or abrogate acts of the Government and the bodies of the executive power, if they are in contradiction with the Constitution of Georgia, international treaties and agreements, laws and the normative acts of the President. (6.02.2004, N3272)
 4. The President is the Supreme Commander-in-Chief of the Armed Forces of Georgia. He/she appoints members of the National Security Council, and appoints and dismisses the Chief of the General Staff of the Armed Forces of Georgia, other commanders; (6.02.2004, N3272)
 5. The President shall be authorised to address the people and the Parliament. Once a year he/she shall submit a report to the Parliament on the most important state issues.
 6. The President shall exercise other powers determined by the Constitution and law.

Article 73

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The President of Georgia shall:
 - a) negotiate with the foreign states and international organizations, conclude international agreements and conventions under the consent of the Government; appoint and dismiss the ambassadors and other diplomatic representatives of Georgia upon recommendation of the Government; receive accreditation from the ambassadors and other diplomatic representatives of foreign states and international organizations under the consent of the Government;
 - b) conclude a constitutional agreement with the Apostle Autocephalous Orthodox Church of Georgia on behalf of the State of Georgia;
 - c) in the cases provided by the Constitution, nominate the candidature of the Prime-Minister and appoint the Prime-Minister;
 - d) oblige the Government to perform its duties till confirmation of a new Government in the cases provided by the Constitution;

- e) submit to the Parliament, appoint, dismiss and remove the officials in the cases provided by the Constitution; appoint the members of the Supreme Council of Justice according to the procedures defined by law; on the basis of the rules prescribed by the organic law participate in the appointment of the Chairman and members of the Central Electoral Commission; under the consent of the government submit the candidatures of the national regulatory bodies to the Parliament of Georgia;
- f) within 10 days after the recognition of competence of the newly elected Supreme Council of the Autonomous Republic of Ajara, after consultations with the political subjects represented in the Council, under the consent of the Government of Georgia, proposes to the Supreme Council for approval the candidature of the chairman of the government of the Autonomous Republic Ajara;
- g) declare a martial law in the case of armed attack on Georgia, make peace when appropriate conditions exist and submit the decisions to the Parliament within 48 hours for approval;
- h) in the case of war or mass disorder, infringement upon the territorial integrity of the country, coup d'état, armed insurrection, ecological disasters and epidemics or in other cases, when state bodies are unable to normally exercise their Constitutional powers, shall declare a state of emergency throughout the whole territory of the country or a certain part thereof and submit this decision to the Parliament within 48 hours for approval. Emergency authorities shall apply only to the territory where the state of emergency is declared for the reasons mentioned in this paragraph;
- i) in the case of war or state emergency issue decrees having the force of law, which shall remain in force until the end of war or state of emergency; the decrees shall be submitted to the Parliament when it is assembled; take emergency measures;
- j) with the consent of the Parliament, be entitled to suspend the activity of the institutions of self-government or other representative bodies of territorial units or dismiss them if their activity endangers the sovereignty, territorial integrity of the country or the exercise of constitutional authority of state bodies;
- k) issue a decree, ordinance, directive, also order, as the Commander – in – Chief of the Georgian Armed Forces, for implementation of powers conferred by the Constitution;

- l) sign and promulgate laws in accordance with the procedure prescribed by the Constitution;
 - m) decide about the matters of citizenship, granting asylum;
 - n) award state honors, higher military ranks, special and honorary titles and higher diplomatic ranks;
 - o) grant pardon to convicted persons;
 - p) dissolve the Parliament in accordance with a procedure and in the case defined by the Constitution.
2. The President shall schedule the date of elections of the President, the Parliament and representative bodies in accordance with a procedure prescribed by the Constitution and the law.
 3. The President of Georgia shall appoint the members of the National Security Council, appoints and dismisses the Chief of the General Staff of the Armed Forces of Georgia, other commanders under consent of the Government.
 4. The president shall be authorized to address the people and the Parliament. Once a year he/she shall submit a report to the Parliament on the most important state issues.
 5. The President of Georgia exercises other authorities defined by the Constitution.)

Article 73¹

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. Legal acts of the President of Georgia shall be countersigned by the Prime-Minister, except the acts issued during the state of war and the cases envisaged by the 2–4 paragraphs of this article.
2. Order of the President shall not require countersignature except in the cases directly prescribed by the Constitution.
3. The countersignature shall not require the legal acts of the President, which according to the Constitution, are issued by the Government or have the preliminary consent Government.
4. The countersignature shall not require for those legal acts of the President which relate to:
 - a) appointment of parliamentary elections and dissolution of the Parliament on the basis of article 80, convocation of the first sitting of newly

- elected Parliament, also convocation of the special sitting or session of the parliament;
- b) signing of laws and their promulgation, also return of a draft law with remarks to the Parliament;
 - c) appointment, submission and dismissal of officials prescribed by the Constitution, unless the Constitution defines otherwise;
 - d) appeal to the Court, Constitutional Court;
 - e) nominating a candidate of the Prime-Minister and appointment of the Prime-Minister;
 - f) imposing temporary obligations on the Government in line with Paragraph 1 of article 80 of the Constitution;
 - g) granting State rewards and special ranks;
 - h) granting and termination of citizenship;
 - i) request on convocation of sitting of the Government according to the procedure provided by paragraph 6 of article 78 of the Constitution;
 - j) activities of the Administration of the President and National Security Council;
 - k) declaration or revocation of State of War;
 - l) pardoning of convicted.
5. Legal acts of the President, which require countersignature, shall be promulgated and have legal force only in case of countersigning.
6. In case of countersigning, the liability on legal acts shall be imposed on the government.

Article 74

1. At the request of the Parliament of Georgia, of not less than 200,000 electors or on his/her own initiative the President of Georgia shall schedule a referendum concerning the issues determined by the Constitution and the Organic Law within 30 days after receiving such a request.
 - (1. The President of Georgia shall be entitled to appoint the referendum on the issues defined under the Constitution and the Law by the demand of the Parliament of Georgia, the Government of Georgia and no less than 200 000 electors, within the period of 30 days after reception of demand on its appointment. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

2. The referendum shall not be held with the view of adopting or repealing law, in terms of amnesty or pardon, ratification or denunciation of international treaties and agreements, as well as the issues restricting the basic constitutional rights and freedoms of individuals.
3. Issues related to the scheduling and holding referendum shall be determined by the Organic Law.

Article 75

1. The President of Georgia shall enjoy personal immunity. While holding his/her position, his/her detention or proceeding shall be impermissible.
2. In case of the violation of the Constitution, commission of high treason and other criminal offence, the Parliament shall be authorised to dismiss the President in accordance with a procedures of Article 63 of the Constitution and in accordance with a procedures determined by the Organic Law if:
 - a) the violation of the Constitution is confirmed by a judgment of the Constitutional Court;
 - b) corpus delicti of high treason and other criminal offence is confirmed by a conclusion of the Supreme Court.
- (2. In case of violation of the Constitution and existence of signs of corpus delicti in the actions of the President, the Parliament shall be authorized to dismiss the President in accordance with procedures prescribed by Article 63 of the Constitution and the Law. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

Article 76

1. In case of inability to exercise the authority of the President of Georgia or pre-term termination of his/her office, the Chairman of the Parliament shall exercise the duty of the President of Georgia, whereas in case the Chairman of the Parliament is unable to exercise the authority of the President of Georgia, as well as if the Parliament is dissolved the Prime Minister shall exercise the duty of the President of Georgia. During the period of exercising the authority of the President of Georgia by the Chairman of the Parliament, one of the deputy-chairman of the Parliament shall perform

the duties of the Chairman of the Parliament with the direction of the former. During the period of exercising the authority of the President of Georgia by the Prime Minister a member of the Government having the authority of the first Vice-Prime Minister shall perform the duties of the Prime Minister. (11.03.2008, N5833)

2. A person acting as the President shall not be entitled to use the rights defined in subparagraphs c) and i) of the first paragraph of Article 73 and the rights defined in the first paragraph of Article 74 and dissolve the Parliament as well. (6.02.2004, N3272).
- (2. Acting President shall not be authorized to enjoy the rights prescribed by sub-paragraph “g” and “p” of the paragraph 1 of the Article 73 and by paragraph 1 of the article 74 of the Constitution. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
3. The presidential election shall be held within 45 days after the termination of the office of the President. The Parliament shall ensure the holding of election.

Article 76¹

Removed (10.10.2008, N344)

Article 77

The administration of the President of Georgia shall be established on purpose to promote the exercise of the authority of the President of Georgia. The President of Georgia shall appoint and dismiss the head of the administration of the President of Georgia, determine a structure and a procedure of activity of the administration. (6.02.2004, N3272)

Chapter Four
THE GOVERNMENT OF GEORGIA
(6.02.2004, N3272)

Article 78

1. The Government shall ensure the exercise of the executive power, the internal and foreign policy of the state in accordance with the legislation of Georgia. The Government shall be responsible before the President and the Parliament of Georgia.
2. The Government shall be composed by the Prime Minister and the Ministers. The State Minister (the State Ministers) may be in the composition of the Government. The Prime Minister shall charge one of the members of the Government with the exercise of the responsibilities of the first Vice Prime Minister. The Government and the members of the Government shall withdraw the authority before the President of Georgia. (11.03.2008, N5833)
- 2¹. Designation and competence of the first Vice Prime Minister and Vice Prime Minister shall be determined by the Law. (11.03.2008, N5833)
3. The Government shall adopt a decree and a resolution on the basis of the constitution, laws and the normative acts of the President and for their realisation thereof, which shall be signed by the Prime Minister.
4. The President of Georgia shall be authorised to convene and preside over the sittings of the Government with regard to the issues of exclusive state importance. Decision adopted at the sitting shall be formed by the act of the President.
5. The structure, authority, and a procedure of the activity of the Government shall be determined by the Constitution and law, the draft of which shall be submitted to the Parliament by the Government by the consent of the President.
6. The Government shall be authorised to retire by its own decision.
7. The authority of the Government shall begin upon the appointment of the members of the Government in accordance with a procedure and in cases established by the Constitution. (6.02.2004, N3272)

Article 78

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The Government of Georgia is the supreme body of the executive branch, which exercises domestic and foreign policy of the State. The Government is accountable before the Parliament.
2. The Government shall be composed by the Prime-Minister and the Ministers. State Minister or State Ministers may be part of the composition of the Government.
3. The Prime-Minister may designate a member of the Government as the first Prime-Minister and may also designate member(s) of the Government as Vice Prime-Minister(s). The rule of designation as the first Vice Prime-Minister and Vice Prime-Minister and their authorities is defined by law.
4. Prime-Minister and Ministers represent Georgia in foreign relations within the scope of their competence.
5. The Government shall adopt a decree and a resolution under and for the purposes of implementation of the Constitution and legal acts, which shall be signed by the Prime-Minister.
6. The President of Georgia shall be authorized to demand for discussion of specific issues at the Government sitting and to participate in discussion of those issues at the Government sitting that is attended by the Secretary and other members of the National Security Council.
7. Structure, authority and procedures of actions of the Government shall be defined by the Law. The Government shall submit this draft law to the Parliament.
8. The authority of the Government shall begin in the cases defined by the Constitution and in accordance with established procedures upon the appointment of the members of the Government.

Article 79

1. The Prime Minister shall be the chairman of the Government.
2. The Prime Minister shall determine the directions of the activity of the Government, organise the activity of the Government, exercise co-ordination and control over the activity of the members of the Government, submit report on the activity of the Government to the President and be

responsible for the activity of the Government before the President and the Parliament of Georgia.

- (1. The Prime-Minister is the head of the Government. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)
2. The Prime-Minister shall define the directions of activity of the Government, organize the activities of the Government, coordinate and controls the activities of the members of the Government. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
3. At the request of the Parliament the Prime Minister shall submit report to it on the realisation of the governmental program.
4. The Prime Minister within his/her authority shall issue an individual legal act – an order, as well exercise full administrative functions in the building of the Government.
5. The Prime Minister shall appoint other members of the Government by the consent of the President, be authorised to dismiss the members of the Government.
- (5. The Prime-Minister shall appoint and dismiss other members of the Government. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
6. The Prime Minister shall appoint and dismiss other officials in accordance with a procedure and in cases envisaged by law.
7. Resignation of the Prime Minister or termination of his/her authority shall result in termination of the authority of the other members of the Government. In case of resignation or dismissal of the other member of the Government the Prime minister shall appoint a new member of the Government within two weeks by the consent of the President of Georgia. (6.02.2004, N3272)
- (7. Resignation of the Prime-Minister or termination his/her authority shall result in termination of authority of other members of the Government. In case of resignation or dismissal of other member of the Government the Prime-Minister shall appoint a new member of the Government within two weeks. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))

Article 80

1. After taking the oath by the President of Georgia, the Government shall withdraw the authority before the President of Georgia. The President shall uphold the withdrawal of the authority of the Government and be entitled to charge the Government with the exercise of the responsibilities until the appointment of a new composition.
2. The President of Georgia within 7 days from the resignation, dismissal and withdrawal of the authority of the Government after the consultations with the Parliamentary Factions shall choose a candidate of the Prime Minister, whereas the candidate of the Prime Minister - the candidates of the members of the Government by the consent of the President within a term of 10 days. Within 3 days from the end of the procedure envisaged by the first sentence of this paragraph the President of Georgia shall submit the composition of the Government to the Parliament for confidence.
3. Within a week from the submission of the composition of the Government by the President of Georgia the Parliament shall consider and vote the issue of declaration of confidence to the composition of the Government and the Governmental program. The confidence of the Parliament shall be gained by the majority of the total number of the members of the Parliament. The members of the Government shall be appointed within a term of three days from the declaration of confidence. The Parliament shall be entitled to declare non-confidence to the composition of the Government and raise a question of recusal of a particular member of the Government in the same decision. In case of approval of the decision of the Parliament on the refusal by the President the refused person shall not be appointed in the same composition of the Government instead of a dismissed or resigned member.
4. In case a composition of the Government and its governmental program do not gain the confidence of the Parliament, the President of Georgia shall submit the same or a new composition of the Government to the Parliament within a term of a week. The Parliament shall exercise the procedure provided for by paragraph 3 of this Article.
5. In case a composition of the Government and the program of the Governmental thereof do not gain the confidence of the Parliament for three times, the President of Georgia shall nominate a new candidate of the Prime Minister within a term of 5 days or appoint the Prime Minister with-

out consent of the Parliament, whereas the Prime Minister shall appoint the Ministers by the consent of the President of Georgia within a term of 5 days as well. In such a case the President of Georgia shall dissolve the Parliament and schedule extraordinary elections.

6. It shall be impermissible to put the issue of dismissal of the President of Georgia in accordance with impeachment procedure during the procedures envisaged by this Article. (6.02.2004, N3272)

Article 80

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. After the approval of the newly-elected Parliament, the Government shall be deemed as dismissed and the President of Georgia shall authorize the same Government to perform its duties until formation of a new Government.
2. Within seven days after the dismissal of the Government, the President of Georgia shall nominate a candidate of Prime-Minister proposed by the political party with the best results in the Parliamentary elections.
3. The candidate for the Prime-Minister shall, within seven days, nominate the candidates of ministers and present the composition of the Government to the Parliament of Georgia for the vote of confidence. The Government program shall be submitted together with composition of the Government.
4. The Parliament of Georgia shall, within seven days after submission of composition of the Government, discuss and vote the question of confidence for the composition of the Government. Support of majority of the enlisted members of the Parliament shall be required to receive the vote of confidence of the Parliament.
5. In case the Government does not receive the vote of confidence, a re-voting shall be held within 30 days after submission of composition of the Government to the Parliament in relation with the vote of confidence towards the initially submitted or revised composition of the Government.
6. If a candidate of the Prime-Minister is not presented or the Parliament does not grant the vote of confidence to the Government in compliance with the procedure prescribed by paragraph 5 and envisaged period, the President shall, within seven days, nominate a Prime-Minister from the

candidates proposed by no less than two fifth of the enlisted members of the Parliament. If two candidates have been proposed by different compositions of the members of the Parliament, the President shall nominate the candidate proposed by the majority members of the Parliament, and in case the candidates are nominated by equal number of the members of the Parliament, the President shall nominate either candidate.

7. In the case prescribed by the Paragraph 6 hereunder, selection of the members of the Government and granting of vote of confidence to the composition of the Government shall be carried out according to the procedure provided by the Paragraphs 3–4 hereunder. If the Parliament fails to grant the vote of confidence to the composition of the Government, the President of Georgia shall, within 3 days, dissolve the Parliament and appoint extraordinary elections.
8. The President of Georgia shall, within two days after granting the vote of confidence to the composition of the Government, appoint a Prime-Minister, and the Prime-Minister shall, within two days, appoint other members of Government. If the President fails to issue the legal act on appointment of the Prime-Minister in the mentioned period, he/she shall be deemed as appointed.

Article 80¹

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. In case of dissolution of authority of the Government, the President of Georgia shall, within seven days, nominate a candidate of Prime-Minister submitted by the Parliamentary majority, or if such majority is not formed yet, the Parliamentary faction in which the most members of the Government are included.
2. Selection and granting the vote of confidence to the members of the Government shall be carried out according to the procedure provided by the Paragraphs 3–8 of Article 80.
3. In case of the circumstances provided by Paragraph 1 hereunder, the President of Georgia shall impose the obligations to the same composition of Government till formation of new Government.

Article 81

1. The Parliament shall be entitled to declare non-confidence to the Government by the majority of the total number. Not less than one third of the total number of the members of the Parliament shall be entitled to raise a question of declaration of non-confidence. After the declaration of non-confidence to the Government the President of Georgia shall dismiss the Government or not approve the decision of the Parliament. In case the Parliament declares non-confidence to the Government again not earlier than 90 days and not later than 100 days, the President of Georgia shall dismiss the Government or dissolve the Parliament and schedule extraordinary elections. In case of circumstances provided for by subparagraphs “a” – “d” of Article 511 re-voting of non-confidence shall be held within 15 days from the end of these circumstances.
2. The Parliament shall be entitled to raise the question of declaration of unconditional non-confidence to the Government by a resolution. In case the Parliament declares non-confidence to the Government by the majority of three-fifth of the total number of the members of the Parliament not earlier than 15 days and not later than 20 days from the adoption of the resolution, the President shall dismiss the Government. In case the Parliament does not declare non-confidence to the Government, it shall be impermissible to put the question of non-confidence to the Government within next 6 months.
3. In case of dismissal of the Government in accordance with a procedure provided for by paragraph 2 of this Article the President of Georgia shall not be entitled to appoint the same person as a Prime Minister in the next composition of the Government or nominate the same candidate of the Prime Minister.
4. The Prime Minister shall be entitled to put the question of confidence of the Government on the draft laws on the State Budget, Tax Code and a procedure of the structure, authority and activity of the Government considering at the Parliament. The Parliament shall declare the confidence to the Government by the majority of the total number. In case the Parliament does not declare the confidence to the Government, the President of Georgia shall dismiss the Government or dissolve the Parliament within a week and schedule extraordinary elections.

5. Voting the declaration of confidence shall be held within 15 days from the putting of the question. Failure of voting during this term shall mean the declaration of confidence.
6. A relevant draft law shall be deemed adopted upon the declaration of confidence to the Government by the Parliament.
7. It shall be impermissible to put the question of dismissal of the President of Georgia in accordance with impeachment procedure during the procedures provided for by this Article. (6.02.2004, N3272)

Article 81

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The Parliament shall be entitled to declare non-confidence to the Government. No less than two fifths of the total members of the Parliament shall be entitled to raise a question of non-confidence. The voting in relation to non-confidence shall be held not earlier than 20 and no later than 25 days. The question of non-confidence shall be deemed as started if more than half of members of the Parliament support this decision. If the Parliament does not make the decision on rising of question of non-confidence, appealing to the Parliament on rising of the question of non-confidence by the same members of the Parliament, within 6 month after voting, shall not be admitted.
2. The Parliament shall, not earlier than 20 days and no later than 25 days after commencement of discussion of non-confidence, vote to submission of the candidate of the Prime-Minister, nominated by at least two-fifths of the members of the enlisted composition of the Parliament, to the President. If two candidates are nominated according to the procedure of this paragraph, both of them shall be put on the vote. A candidate of Prime-Minister shall be submitted to the President if voted more than half of enlisted members of the Parliament. A non-submission of candidature of Prime-Minister under the procedure of this paragraph means termination of the non-confidence procedure.
3. The President shall be entitled to, within 5 days after submission of the candidate of Prime- Minister, nominate the candidate of Prime-Minister or to refuse the nomination of the submitted candidate. If the President nominated the candidate submitted by the Parliament, confidence shall be

declared to new composition of the Government according to the procedure provided by Paragraphs 3–4 of the article 80.

4. If the President refuses nomination of the candidate of Prime-Minister presented to him by the Parliament in the case provided by Paragraph 3, the parliament shall be authorized to vote for submission of the same candidate of Prime-Minister to the President not earlier than 15 days and no later than 20 days after submission of the candidate. If submission is supported by the three fifths of the enlisted members of the Parliament, the President shall be obliged to nominate the candidate of Prime-Minister submitted to him within 3 days. Declaration of confidence to new composition of the Government shall be carried out according to the Paragraph 3–4 of article 80.
5. Declaration of confidence by the Parliament to the new composition of the Government according to the procedure prescribed by Paragraphs 3 or 4 hereunder shall be deemed as declaration of non- confidence to the Government, causing dissolution of its authorities. Appointment of new Prime- Minister and Government shall be carried out according to paragraph 8 of article 80.
6. In case of declaration of non-confidence by the Parliament to new composition of Government according to the procedure prescribed by paragraphs 3 or 4 hereunder, the President shall be authorized to dismiss the Parliament and appoint extraordinary elections within 3 days.

Article 81¹

1. After the declaration of confidence to the Government and its governmental program, in case of renewal of the first composition of the Government by one third, but not less than 5 members of the Government, the President of Georgia shall submit a composition of the Government to the Parliament for confidence within a week.
2. Declaration of confidence to the composition of the Government by the Parliament shall be exercised in accordance with a procedure established by Article 80 of the Constitution.

Article 81¹

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The Prime-Minister shall be entitled to raise before the Parliament the question of confidence of the Government in relation to the initiated draft law.
2. The Parliament shall vote to the draft law within 14 days after raising the question provided by paragraph 1 hereunder. The draft law shall be adopted by one hearing according to the procedure prescribed by article 66 in accordance with the procedure of adoption of a category of law in question.
3. If the draft law is not adopted, this shall be deemed as the decision on raising the question of non-confidence provided by the paragraph 1 of the article 81 and the procedures prescribed by paragraphs 2–4 of articles 81 shall be continued.
4. A draft law shall be deemed adopted, if the Parliament does not declare non-confidence within the terms and conditions provided by paragraphs 2–4 of the article 81.)

Article 81²

1. Ministries shall be created with the view of ensuring state government and state policy in particular field of state and public life.
2. Ministry shall be headed by a Minister who shall adopt decisions independently on the matters falling within his/her competence. A Minister shall issue orders on the basis of law, normative act of the President or resolution of the Government and with the view of implementing them.
3. The State Minister shall be appointed in accordance with a procedure established by the Constitution with the view of fulfilling the state objects of exclusive importance.
4. A member of the Government shall not have the right to hold any position, except for a party position, establish an enterprise, engage in entrepreneurial activity or receive a salary from any other activity, with the exception of scientific and pedagogical activity.
5. A member of the Government shall be entitled to resign. (6.02.2004, N3272)

Article 81³

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. The executive branch is represented by the State Envoy–Governor in the administrative-territorial units of Georgia.
2. Authorities of State Envoy–Governor shall be defined by the Law.
3. The Government appoints and dismisses the State Envoy–Governor.

Article 81⁴

(10.10.2008, N344)

Organs of prosecutor's office shall fall under the system of the Ministry of Justice and their general supervision shall be conducted by the Minister of Justice. Authority and rule of activity of the prosecutor's office shall be determined by the Law.

Chapter Five

JUDICIARY

Article 82

1. Judicial power shall be exercised by means of constitutional control, justice and other forms determined by law.
2. Acts of courts shall be obligatory for all state bodies and persons throughout the whole territory of the country.
3. The judiciary shall be independent and exercised exclusively by courts.
4. A court shall adopt a judgment in the name of Georgia.
5. The cases shall be considered by juries before the courts of general jurisdiction in accordance with a procedure and in cases prescribed by law. (6.02.2004, N3272)

Article 83

1. The Constitutional Court of Georgia shall be the judicial body of Constitutional review. Its authority, the procedures of its creation and activity shall be determined by the Constitution and the Organic Law.

2. Justice shall be administered by general courts. Their system shall be determined by an organic law. (27.12.2006, N4133)
3. Introduction of a court martial shall be permissible at war and exclusively within the system of the courts of general jurisdiction.
4. Creation of either extraordinary or special courts shall be prohibited.

Article 84

1. A judge shall be independent in his/her activity and shall be subject only to the Constitution and law. Any pressure upon the judge or interference in his/her activity with the view of influencing his/her decision shall be prohibited and punishable by law.
2. The removal of a judge from the consideration of a case, his/her pre-term dismissal or transfer to another position shall be permissible only in the circumstances determined by law.
3. No one shall have the right to demand from a judge an account as to a particular case.
4. All acts restricting the independence of a judge shall be annulled.
5. Only a court shall be authorised to repeal, change or suspend a court judgment in accordance with a procedure determined by law.

Article 85

1. Cases before a court shall be considered at an open sitting. The consideration of a case at a closed sitting shall be permissible only in the circumstances provided for by law. A court judgment shall be delivered publicly.
2. Legal proceedings shall be conducted in the state language. An individual not having a command of the state language shall be provided with an interpreter. In the districts, where the population does not have a command of the state language, teaching of the state language and solution of the issues related to the legal proceedings shall be ensured.
3. The legal proceedings shall be exercised on the basis of equality of parties and the adversarial nature of the proceedings.

Article 86

1. A judge shall be a citizen of Georgia who has attained the age of 28, and has the highest legal education and at least five years experience in the practice of law. (27.12.2005, N 2496)
2. A judge shall be designated on the position for a period of not less than ten years. The selection, appointment or dismissal procedure of a judge shall be determined by law.
 - (1. A citizen of Georgia who has attained the age of 30 has relevant higher legal education and has at least 5 year-working experience in the legal area is eligible to hold the judicial office. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)
2. Judges are life-time appointed, unless they reach the age determined by the Law. Before life-time appointment of the judge, the Law may envisage the appointment of the judge for definite period, no more than 3 years. The rules on selection, appointment or dismissal of judges are defined by Constitution and the organic law. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
3. The position of a judge shall be incompatible with any other occupation and remunerative activity, except for pedagogical and scientific activities. A judge shall not be a member of a political party or participate in a political activity. (27.12.2005, N2496)

Article 86¹

(27.12.2006, N4133 shall enter into force after relevant amendments to the Organic Law)

1. The Supreme Council of Justice of Georgia shall be set up to appoint and dismiss judges from/to office and for other purposes.
2. Half of the Supreme Council of Justice of Georgia shall be composed of members elected by a self-government body of the judges of general courts of Georgia. Chairperson of the Supreme Court of Georgia shall chair the Supreme Council of Justice of Georgia.
3. Powers and a setting up procedure of the Supreme Council of Justice of Georgia shall be determined by an organic law.

Article 87

1. A judge shall enjoy personal immunity. Criminal proceeding of a judge, his/her arrest or detention, the search of his/her apartment, car, workplace or his/her person shall be permissible by the consent of the President of the Supreme Court of Georgia, except when he/she is caught flagrante delicto, which shall immediately be notified to the President of the Supreme Court of Georgia. Unless the President of the Supreme Court gives his/her consent to the arrest or detention, the arrested or detained judge shall immediately be released.
2. The state shall ensure the security of a judge and his/her family.

Article 88

1. The Constitutional Court of Georgia shall exercise the judicial power by virtue of the constitutional legal proceedings.
2. The Constitutional Court of Georgia consists of 9 judges – the members of the Constitutional Court. 3 members of the court are appointed by the President of Georgia, 3 members are elected by more than half of enlisted composition of the Parliament, 3 members – by the Supreme Court. Validity of authority of the Constitutional Court is 10 years. The Constitutional Court elects its chairman from its composition for the period of 5 years. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. A member of the Constitutional Court shall not be a person who has held this position before.
4. A member of the Constitutional Court may be a citizen of Georgia who has attained the age of 30 and has the highest legal education. The selection, appointment and election procedure and the issue of termination of the office of the members of the Constitutional Court as well as other issues of the constitutional legal proceeding and the activity of the Constitutional Court shall be determined by law. (27.12.2005, N2496)
5. A member of the Constitutional Court shall enjoy personal immunity. A member of the Constitutional Court shall not be proceeded, arrested or detained, nor shall his/her apartment, car, workplace or his/her person be subject to search without the consent of the Constitutional Court, except when he/she is caught flagrante delicto, which shall immediately be notified to the Constitutional Court. Unless the Constitutional Court gives its

consent to the arrest or detention, an arrested or detained member shall immediately be released.

Article 89

1. The Constitutional Court of Georgia on the basis of a claim of the President of Georgia, the Government, not less than one fifth of the members of the Parliament, a court, the higher representative bodies the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, City Council – representative bodies of the self-government unions, High Council of Justice, Public defender’s office and a citizen, in accordance with a procedure established by the Organic Law: (15.10.2010, N3710 shall enter into force from January 1st, 2011)
 - a) adjudicate upon the constitutionality of a Constitutional Agreement, law, normative acts of the President and the Government, the normative acts of the higher state bodies of the Autonomous Republic Abkhazia and the Autonomous Republic of Ajara; (6.02.2004, N3272)
 - b) review dispute on competence between state bodies;
 - c) review constitutionality of formation and activity of political associations of citizens;
 - d) review dispute on constitutionality of provisions on referenda and elections as well as dispute on constitutionality of referenda and elections held on the basis of these provisions; (27.12.2005, N 2496)
 - e) review constitutionality of international treaties and agreements;
 - f) review, on the basis of a claim of a person, constitutionality of normative acts in relation to fundamental human rights and freedoms enshrined in Chapter Two of the Constitution; (27.12.2005, N2496)
 - f¹) review dispute on violation of the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara; (01.07.2004, N306)
 - f²) On the basis of the action brought by representative bodies of the self-government – the City Council (Sakrebulo), the question of constitutionality of normative acts is discussed in relation to the regulations defined by Chapter 7¹ of the Constitution; (15.10.2010, N3710 shall enter into force from January 1st, 2011)
 - f³) On the basis of submission made by the High Council of Justice the question of compatibility of normative acts with Articles 82, 84, 86, 86¹, 87 and 90 of the Constitution shall be discussed; (15.10.2010, N3710 shall enter into force from January 1st, 2011)

- g) exercise other powers determined by the Constitution and the Organic Law of Georgia.
2. The judgment of the Constitutional Court shall be final. A normative act or a part thereof recognised as unconstitutional shall cease to have legal effect from the moment of the publication of the respective judgment of the Constitutional Court.

Article 90

1. The Supreme Court of Georgia is the Court of Cassation. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
2. The President and the judges of the Supreme Court of Georgia shall be elected for a period of not less than ten years by the Parliament by the majority of the number of the members of Parliament on the current nominal list upon the submission of the President of Georgia.
3. The competence of the Supreme Court, its organization, rules of pre-term termination of tenure of judges and activities shall be defined by organic law. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
4. The President and the members of the Supreme Court of Georgia shall enjoy personal immunity. Criminal proceeding of the President or a judge of the Supreme Court, their arrest or detention, the search of their apartment, car, workplace or person shall be permissible only by the consent of the Parliament, except when the President or a judge is caught flagrante delicto, which shall immediately be notified to the Parliament. Unless the Parliament gives its consent, the arrested or detained shall immediately be released.

Article 91

Removed. (6.02.2004, N3272)

Chapter Six

STATE FINANCES AND CONTROL

Article 92

1. The Parliament of Georgia by the majority of the number of the members of the Parliament on the current nominal list shall annually adopt the Law on the State Budget, which shall be signed by the President of Georgia.
2. The procedure of the drafting and adoption of the State Budget shall be determined by law.

Article 93

1. Only the Government of Georgia after the agreement with the committees of the Parliament on the basic data and directions shall be authorised to submit the Draft Budget to the Parliament by the consent of the President of Georgia.
2. The Government shall submit the Draft Budget of next year to the Parliament not later than three months before the end of the budget year. Together with the Draft Budget, the Government shall submit a report on the progress of the fulfilment of the State Budget of the current year. The Government shall submit a report on the fulfilment of the State Budget to the Parliament for approval not later than three months from the end of the budget year. In case of non-fulfilment of the State Budget the Parliament does not approve a report on the fulfilment of the State Budget; the President of Georgia shall consider the issue of liability of the Government and inform the Parliament on his/her founded decision within a month.
3. The President shall approve the State Budget by a decree if it is not approved by the Parliament within a term established by the Constitution in cases defined by subparagraphs “a” – “d” of Article 511 of the Constitution.
4. The introduction of changes in the Draft Budget without the consent of the Government shall be impermissible. The Government shall be authorised to request the Parliament for the additional state expenditure, only if it indicates the sources of covering the latter.
5. The Parliament shall be authorised to control the legality of expenditure of the State Budget and in case of revealing the violation make a request

on suspension of expenditure of the budget means before the President of Georgia. In case of confirming of illegal expenditure the President shall adopt a relevant decision.

6. If the Parliament fails to adopt the Budget submitted in accordance with a procedure established by paragraph 2 of this Article within three months, the President of Georgia shall be authorised to dismiss the Government or dissolve the Parliament and schedule extraordinary elections.
7. In case of dissolution of the Parliament due to unapproved State Budget the President shall approve the State Budget by a decree and submit to the Parliament within a month from the recognition of the authority of the newly elected Parliament.
8. A draft law which results in increase of expenditure of the State Budget of the current year, reduction of an income or taking of the new financial obligations by the State, may be adopted by the Parliament only after the consent of the Government, whereas the above mentioned laws with regard to the next financial year- by the Government within the scope of the basic parameters of the State Budget agreed with the Parliament. (6.02.2004, N3272)

Article 93

(15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

1. Only the Government of Georgia is authorized to submit the Draft State Budget to the Parliament after examination of the main data and directions with the Parliamentary Committees.
2. The Government shall present to the parliament the draft budget for the coming year no later than three months before the end of the current budget year. Along with the draft budget the Government shall present the report on implementation of the current budget. The Government shall present the report on implementation of the state budget to the Parliament for approval no later than 5 months before the end of the current budget year.
3. The draft budget shall not be amended without the consent of the Government. The Government may claim Parliamentary approval of additional expenditure only if it can indicate the source for such expenditure.

4. If the Parliament fails to approve the proposed budget within 3 months, the last year budget shall cover the expenses.
5. The draft law that may entail increase of expenditure of the State Budget of the current year, decrease of revenues or new financial undertakings may be adopted by the Parliament only with the consent of the Government. The draft law of the coming financial year shall be approved with the consent of the Government or within the frame of document on parameters and directions of the country submitted by the Government to the Parliament.
6. The Parliament shall control expenditure of public funds through the State Audit Office. (22.05.2012, N6240)
7. For provision of long-term, stable economic growth, fundamental principles of economic policy shall be established by the Organic Law. Cases of breach of established limits for macroeconomic parameters and of excess of such limits, also activities aiming to approximate parameters to the limits shall be determined by the Organic Law.

Article 94

1. The payment of taxes and charges shall be obligatory in the amount and in accordance with a procedure established by law.
2. The structure of taxes and duties and the procedure for the introduction thereof shall only be determined by law.
3. Release from taxes shall be admitted only by the Law. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
4. Establishment of the new general-state tax, except of excise-duty, or increase of upper rate limit for general-state tax shall be permitted only through referendum. The right to initiate fixing of referendum shall be vested only to the Government of Georgia. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)
5. Establishment or changeling of a tax, which alters or replaces existing tax, without increase of taxable burden shall not be deemed as establishment of the new general-state tax or increase of upper rate limit. Changeling of rate limit within the scope of established limits also shall not be deemed as establishment of the new general-state tax or increase of upper rate

limit. (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections)

Article 95

1. The National Bank of Georgia conducts monetary policy to ensure stability of prices and maintains stable functioning of financial sector. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
2. Removed (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. The National Bank shall be the bank of banks and the banker of the Government of Georgia and its fiscal agent.
4. The National Bank shall be independent in its activity. The rights and duties, activity procedure and guarantee of independence of the National Bank shall be determined by the Organic Law.
5. The name of money and the monetary unit shall be determined by law. Only the National Bank shall be authorised to money emission.

Article 96

1. The Council of the National Bank shall be the higher body of the National Bank of Georgia. The members of the Council of the National Bank shall be elected for a term of seven years by the Parliament by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the President of Georgia. The dismissal of the members of the Council of the National Bank shall be permissible only under a decision of the Parliament in accordance with the Article 64.
2. The President of Georgia shall appoint and dismiss the President of National bank from among the members of the board of the National Bank. (15.10.2010, N3710 shall enter into force from January 1st, 2011)
3. The National Bank shall be accountable to the Parliament and presents report to it annually. (15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 97

1. The State Audit Office shall supervise the use and expenditure of state funds and of other material values. It shall also be authorized to examine

- activity of other state bodies of fiscal and economic control, submit proposals on improving tax legislation to the Parliament. (22.05.2012, N6239)
2. The State Audit Office shall be independent in its activity. It shall be accountable to the Parliament. The Auditor General of the State Audit Office shall be elected for a term of five years by the Parliament of Georgia by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the Speaker of the Parliament. The grounds and a procedure of his/her dismissal shall be prescribed by the Constitution and law. (22.05.2012, N6239)
 3. The State Audit Office shall submit a report to the Parliament regarding Government expenditure twice a year while submitting the preliminary and final reports on the fulfillment of the Budget, and it shall submit a report on its activity once a year. (22.05.2012, N6239)
 4. The authority, organization and procedure activity and guarantee of the independence of the State Audit Office shall be determined by law. (22.05.2012, N6239)
 5. Other bodies of state control shall be set up in accordance with law.

Chapter Seven

STATE DEFENCE

Article 98

1. Defensive war shall be a sovereign right of Georgia.
2. Georgia shall have the armed forces for the defence of the independence, sovereignty and territorial integrity of the country, as well as for the honouring its international obligations.
3. The types and the composition of the armed forces shall be determined by law. The structure of the armed forces shall be approved by the President of Georgia, while the strength thereof shall be approved by the Parliament by the majority of the number of the members of the Parliament on the current nominal list upon the submission of the Council of National Security.

Article 99

1. With the view of organising the military construction and defence of the country, the Council of National Security shall be set up which shall be guided by the President of Georgia.
2. The composition, authority and procedure activity of the Council of National Security shall be determined by the Organic Law.

Article 100

1. The President of Georgia shall adopt a decision on the use of the armed forces and submit it to the Parliament within 48 hours for approval. In addition the use of the armed forces for the honouring international obligations shall be impermissible without the consent of the Parliament of Georgia.
2. For the purpose of state defence in the exclusive cases and in cases envisaged by law, the decision about the entrance, use and movement of the armed forces of another state on the territory of Georgia shall be adopted by the President of Georgia. The decision shall immediately be submitted to the Parliament for approval and shall be enforced after the consent of the Parliament. (6.02.2004, N3272)

Article 101

1. Defence of Georgia shall be an obligation of every citizen of Georgia.
2. Defence of the country and discharge of military service shall be a duty of every citizen being fit thereupon. The form of the discharge of military service shall be determined by law.

Chapter Seven¹

LOCAL SELF-GOVERNANCE

(15.10.2010, N3710 shall enter into force from January 1st, 2011)

Article 101¹

(15.10.2010, N3710 shall enter into force from January 1st, 2011)

1. The rule of creation and activity of representative and executive bodies of local self-government is defined by the organic law. The executive bodies of the local self-governments are accountable to the local self-governments' representative bodies.
2. The representative body of local self-government – the City Council (Sakrebulo) is elected by the Georgian citizens registered within the self-government unit area based on direct, universal, equal suffrage and clandestine voting.
3. The rule of establishing a local self-government unit and revocation of its performance, as well as administrative border's revision rule are defined by the organic law. Prior to revocation or revision of the administrative borders of the self-governmental unit, the consultations shall be held.

Article 101²

(15.10.2010, N3710 shall enter into force from January 1st, 2011)

1. Rights and authority of local self-government unit are separated from those of the state institutions. The self-government unit has its own and delegated rights and authorities. The organic law shall determine the main principles defining rights and authorities of the self-government units.
2. The self-government unit independently and on own responsibility exercises its duties in compliance with the rules determined by Georgian Legislation. Own authority defined by the organic law is exclusive.
3. Self-government unit is authorized to take any decision on its own initiative, if this decision does not fall under the authority of any other government institution or it is not prohibited by the Law.

4. State institutions may delegate rights and powers to the self-government unit on basis of legislative acts and also agreement only by transferring relevant material and financial sources, the calculation of amount of which is determined by the Law.

Article 101³

(15.10.2010, N3710 shall enter into force from January 1st, 2011)

1. Local self-government has its property and financial resources.
2. The decisions made by the self-government units, within the scope of their competence, is to be necessarily implemented within the territory of the self-government's unit.
3. The State's supervision over the activities of self-government units is carried out by the procedure prescribed by the Law. The implementation of State's supervision aims to provide compliance of the self-government's normative acts with the Georgian Legislation and to provide the execution of the delegated rights in proper manner. The State supervision is proportional to its goals.

Chapter Eight

REVISION OF THE CONSTITUTION

Article 102

1. The following shall be entitled to submit a draft law on general or partial revision of the Constitution:
 - a) the President; (Removed (15.10.2010, N3710 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
 - b) more than half of the total number of the members of the Parliament;
 - c) not less than 200,000 electors.
2. A draft law on the revision of the Constitution shall be submitted to the Parliament, which shall promulgate the former for the public discussion. The Parliament shall begin the discussion of the draft law after a month from its promulgation.

3. The draft law on the revision of the Constitution shall be deemed to be adopted if it is supported by at least two thirds of the total number of the members of the Parliament of Georgia.
- (3. The revision draft of Constitution is to be deemed as adopted, if it is supported by no less than three fourth of the total composition of the Parliament of Georgia on two subsequent sessions held at least with 3 months interval. (27.12.2011, N5630 shall enter into force upon taking of the oath by the President elected through next 2013 October Presidential Elections))
4. The law on the revision of the Constitution shall be signed and promulgated by the President of Georgia in accordance with a procedure provided for by Article 68 of the Constitution.

Article 103

The announcement of a state of emergency or state of war shall lead to the suspension of the revision of the Constitution until the cancellation of the state of emergency or state of war.

Chapter Nine

TRANSITIONAL PROVISIONS

Article 104

1. The Constitution of Georgia shall enter into force from the day of the recognition of the authority of the newly elected President and the Parliament of Georgia.
2. Articles 49, 50 and 70 of the Constitution shall enter into force upon the promulgation of the Constitution.

Article 104¹

(23.02.2005, N1010)

1. Paragraph 1 of Article 49 and paragraph 1 of Article 58 of the Constitution shall enter into force upon the making of appropriate amendments and addenda to the Organic law of Georgia “The Election Code of Georgia”.

2. The composition of the Parliament of Georgia elected on 2004 before termination its authority, as well as the necessary number of the members of the Parliament for the establishment of a faction shall be determined in accordance with the legislation acting at the moment of the election of this Parliament.
3. The next election of the Parliament of Georgia of 2008 shall be held in May. The President of Georgia shall fix the date of the election. (11.03.2008, N5833)

Article 104²

(24.09.2009, N1675)

The authority of the MP may be restored for those MPs, elected through proportional system in 2008, May 21 Parliamentary Elections, whose authority has been terminated pre-termed by the resolution of the Parliament of Georgia in accordance with the Subparagraph “a” of the Paragraph “2” of the Article 54th of the Constitution of Georgia, if their substitute’s authority is not recognized and if these MPs express consent until January 1, 2010.

Article 104³

(12.02.2010, N2565)

1. The extraordinary elections of the local self-governmental bodies shall be held no later than June 1, 2010.
2. The elections of Tbilisi Mayer shall be held based on direct, universal, equal suffrage and clandestine voting, according to the timeframe defined by the paragraph 1 of this Article.
3. The exact date of the elections, envisaged by the paragraphs 1st and 2nd of this Article, shall be fixed by the President of Georgia no later than 60 days before the elections.
4. Within one month after the entry into force of this article the Parliament of Georgia shall provide the conformity of other legislative acts of Georgia to this article.

Article 104⁴

(22.05.2012, N6238)

1. Persons, born and permanently residing in Georgia during the last 5 years and holding citizenship of the Member State of the European Union by the entry into force of this Article, together with citizens of Georgia – from the appropriate age – shall also have the right to run for or vote in the parliamentary and presidential elections before January 1st, 2014.
2. Restrictions stated in the Paragraph 11st of the Article 29th of the Constitution do not apply to the circumstance prescribed in the first paragraph of this Article.

Article 105

1. A political association of citizens registered in accordance with a procedure established by law, the initiative of which is confirmed by at least 50,000 signatures or which had a representative in the Parliament by the day of the adoption of the present Constitution, shall have the right to stand for the election of 1995.
2. Election under the proportional system shall be conducted with a single party list.
3. A political association or an electoral block shall be entitled to nominate a candidate to the office of a member of the Parliament before a majority election district, the candidate being at the same time on its party list as well.
4. The candidate having obtained most number of votes but not less than one third of the participants to the ballot shall be deemed to be elected in the majority electoral district.
5. If none of the candidates obtained the required number of votes in the first round, a second round shall be held. Two candidates having the best results shall participate in the second round. The candidate having obtained the most number of votes shall be deemed to be elected.
6. The present Article shall enter into force upon the promulgation of the Constitution and shall remain in force until the recognition of the authority of the newly elected Parliament.

Article 106

1. After the enforcement of the Constitution, only the legal act or a part thereof, which is not in contradiction with the Constitution, shall have the legal force.
2. During two years after the enforcement of the Constitution, the President of Georgia and the Parliament of Georgia shall ensure the public registration of normative acts adopted before the Constitution came into force and their compatibility with the Constitution and laws.
3. During two years after the enforcement of the Constitution, the Parliament shall adopt the Organic Laws envisaged by the Constitution or confirm the lawfulness of normative acts existing in the field.

Article 107

1. Before the adoption of the Organic Laws on judiciary in accordance with the Constitution, the current legislation on the judiciary shall remain in force.
2. The second and third paragraphs of Article 18 of the Constitution shall enter into force after the adoption of the respective criminal procedures legislative acts.
3. The Organic Law on the Constitutional Court shall be adopted before 1 February 1996.

Article 108

As an exception moving changes or addenda to the second paragraph of Article 102 of the Constitution in terms of the complete restoration of jurisdiction on the whole territory of Georgia shall be possible without publication of the draft law on the revision of the Constitution for the general-public discussion.

Article 109

1. The Constitution adopted in accordance with the established procedure shall be signed and promulgated by the Head of State of Georgia.
2. The members of the Parliament of Georgia and the members of the Constitutional Commission shall sign the text of the Constitution. After the

enforcement of the Constitution, at least within a year, the text of the Constitution shall publicly be displayed in the buildings of all local bodies of Georgia in order the population become familiar with its contents.

The Head of the State of Georgia

Edward Shevadnadze

The Constitution of the Republic of Poland

Created – 2.04.1997

Ratified (national constitutional referendum) – 25.05.1997

Come into effect – 17.10.1997

Last amendment – 9.05.2009

Having regard for the existence and future of our Homeland, which recovered, in 1989, the possibility of a sovereign and democratic determination of its fate, we, the Polish Nation – all citizens of the Republic, both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources, equal in rights and obligations towards the common good – Poland, beholden to our ancestors for their labours, their struggle for independence achieved at great sacrifice, for our culture rooted in the Christian heritage of the Nation and in universal human values, recalling the best traditions of the First and the Second Republic, obliged to bequeath to future generations all that is valuable from our over one thousand years' heritage, bound in community with our compatriots dispersed throughout the world, Aware of the need for cooperation with all countries for the good of the Human Family, mindful of the bitter experiences of the times when fundamental freedoms and human rights were violated in our Homeland, desiring to guarantee the rights of the citizens for all time, and to ensure diligence and efficiency in the work of public bodies, recognizing our responsibility before God or our own consciences, Hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of subsidiarity in the strengthening the powers of citizens and their communities.

We call upon all those who will apply this Constitution for the good of the Third Republic to do so paying respect to the inherent dignity of the person, his or her right to freedom, the obligation of solidarity with others, and respect for these principles as the unshakeable foundation of the Republic of Poland.

Chapter I

THE REPUBLIC

Article 1

The Republic of Poland shall be the common good of all its citizens.

Article 2

The Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice.

Article 3

The Republic of Poland shall be a unitary State.

Article 4

1. Supreme power in the Republic of Poland shall be vested in the Nation.
2. The Nation shall exercise such power directly or through their representatives.

Article 5

The Republic of Poland shall safeguard the independence and integrity of its territory and ensure the freedoms and rights of persons and citizens, the security of the citizens, safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.

Article 6

1. The Republic of Poland shall provide conditions for the people's equal access to the products of culture which are the source of the Nation's identity, continuity and development.

2. The Republic of Poland shall provide assistance to Poles living abroad to maintain their links with the national cultural heritage.

Article 7

The organs of public authority shall function on the basis of, and within the limits of, the law.

Article 8

1. The Constitution shall be the supreme law of the Republic of Poland.
2. The provisions of the Constitution shall apply directly, unless the Constitution provides otherwise.

Article 9

The Republic of Poland shall respect international law binding upon it.

Article 10

1. The system of government of the Republic of Poland shall be based on the separation of and balance between the legislative, executive and judicial powers.
2. Legislative power shall be vested in the Sejm and the Senate, executive power shall be vested in the President of the Republic of Poland and the Council of Ministers, and the judicial power shall be vested in courts and tribunals.

Article 11

1. The Republic of Poland shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
2. The financing of political parties shall be open to public inspection.

Article 12

The Republic of Poland shall ensure freedom for the creation and functioning of trade unions, socio-occupational organizations of farmers, societies, citizens' movements, other voluntary associations and foundations.

Article 13

Political parties and other organizations whose programmes are based upon totalitarian methods and the modes of activity of nazism, fascism and communism, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

Article 14

The Republic of Poland shall ensure freedom of the press and other means of social communication.

Article 15

1. The territorial system of the Republic of Poland shall ensure the decentralization of public power.
2. The basic territorial division of the State shall be determined by statute, allowing for the social, economic and cultural ties which ensure to the territorial units the capacity to perform their public duties.

Article 16

1. The inhabitants of the units of basic territorial division shall form a self-governing community in accordance with law.
2. Local government shall participate in the exercise of public power. The substantial part of public duties which local government is empowered to discharge by statute shall be done in its own name and under its own responsibility.

Article 17

1. By means of a statute, self-governments may be created within a profession in which the public repose confidence, and such self-governments shall concern themselves with the proper practice of such professions in accordance with, and for the purpose of protecting, the public interest.
2. Other forms of self-government shall also be created by means of statute. Such self-governments shall not infringe the freedom to practice a profession nor limit the freedom to undertake economic activity.

Article 18

Marriage, being a union of a man and a woman, as well as the family, motherhood and parenthood, shall be placed under the protection and care of the Republic of Poland.

Article 19

The Republic of Poland shall take special care of veterans of the struggle for independence, particularly war invalids.

Article 20

A social market economy, based on the freedom of economic activity, private ownership, and solidarity, dialogue and cooperation between social partners, shall be the basis of the economic system of the Republic of Poland.

Article 21

1. The Republic of Poland shall protect ownership and the right of succession.
2. Expropriation may be allowed solely for public purposes and for just compensation.

Article 22

Limitations upon the freedom of economic activity may be imposed only by means of statute and only for important public reasons.

Article 23

The basis of the agricultural system of the State shall be the family farm. This principle shall not infringe the provisions of Articles 21 and 22.

Article 24

Work shall be protected by the Republic of Poland. The State shall exercise supervision over the conditions of work.

Article 25

1. Churches and other religious organizations shall have equal rights.
2. Public authorities in the Republic of Poland shall be impartial in matters of personal conviction, whether religious or philosophical, or in relation to outlooks on life, and shall ensure their freedom of expression within public life.
3. The relationship between the State and churches and other religious organizations shall be based on the principle of respect for their autonomy and the mutual independence of each in its own sphere, as well as on the principle of cooperation for the individual and the common good.
4. The relations between the Republic of Poland and the Roman Catholic Church shall be determined by international treaty concluded with the Holy See, and by statute.
5. The relations between the Republic of Poland and other churches and religious organizations shall be determined by statutes adopted pursuant to agreements concluded between their appropriate representatives and the Council of Ministers.

Article 26

1. The Armed Forces of the Republic of Poland shall safeguard the independence and territorial integrity of the State, and shall ensure the security and inviolability of its borders.
2. The Armed Forces shall observe neutrality regarding political matters and shall be subject to civil and democratic control.

Article 27

Polish shall be the official language in the Republic of Poland. This provision shall not infringe upon national minority rights resulting from ratified international agreements.

Article 28

1. The image of a crowned white eagle upon a red field shall be the coat-of-arms of the Republic of Poland.
2. White and red shall be the colours of the Republic of Poland.
3. “Dąbrowski’s Mazurka” shall be the national anthem of the Republic of Poland.
4. The coat-of-arms, colours and national anthem of the Republic of Poland shall be subject to legal protection.
5. Details concerning the coat-of-arms, colours and national anthem shall be specified by statute.

Article 29

Warsaw shall be the capital of the Republic of Poland.

Chapter II

THE FREEDOMS, RIGHTS AND OBLIGATIONS OF PERSONS AND CITIZENS

GENERAL PRINCIPLES

Article 30

The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities.

Article 31

1. Freedom of the person shall receive legal protection.
2. Everyone shall respect the freedoms and rights of others. No one shall be compelled to do that which is not required by law.
3. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

Article 32

1. All persons shall be equal before the law. All persons shall have the right to equal treatment by public authorities.
2. No one shall be discriminated against in political, social or economic life for any reason whatsoever.

Article 33

1. Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland.
2. Men and women shall have equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations.

Article 34

1. Polish citizenship shall be acquired by birth to parents being Polish citizens. Other methods of acquiring Polish citizenship shall be specified by statute.
2. A Polish citizen shall not lose Polish citizenship except by renunciation thereof.

Article 35

1. The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture.
2. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.

Article 36

A Polish citizen shall, during a stay abroad, have the right to protection by the Polish State.

Article 37

1. Anyone, being under the authority of the Polish State, shall enjoy the freedoms and rights ensured by the Constitution.
2. Exemptions from this principle with respect to foreigners shall be specified by statute.

PERSONAL FREEDOMS AND RIGHTS

Article 38

The Republic of Poland shall ensure the legal protection of the life of every human being.

Article 39

No one shall be subjected to scientific experimentation, including medical experimentation, without his voluntary consent.

Article 40

No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited.

Article 41

1. Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by statute.
2. Anyone deprived of liberty, except by sentence of a court, shall have the right to appeal to a court for immediate decision upon the lawfulness of such deprivation. Any deprivation of liberty shall be immediately made known to the family of, or a person indicated by, the person deprived of liberty.
3. Every detained person shall be informed, immediately and in a manner comprehensible to him, of the reasons for such detention. The person shall, within 48 hours of detention, be given over to a court for consideration of the case. The detained person shall be set free unless a warrant of temporary arrest issued by a court, along with specification of the charges laid, has been served on him within 24 hours of the time of being given over to the court's disposal.
4. Anyone deprived of liberty shall be treated in a humane manner.
5. Anyone who has been unlawfully deprived of liberty shall have a right to compensation.

Article 42

1. Only a person who has committed an act prohibited by a statute in force at the moment of commission thereof, and which is subject to a penalty, shall be held criminally responsible. This principle shall not prevent punishment of any act which, at the moment of its commission, constituted an offence within the meaning of international law.
2. Anyone against whom criminal proceedings have been brought shall have the right to defence at all stages of such proceedings. He may, in particular, choose counsel or avail himself – in accordance with principles specified by statute – of counsel appointed by the court.

3. Everyone shall be presumed innocent of a charge until his guilt is determined by the final judgment of a court.

Article 43

There shall be no statute of limitation regarding war crimes and crimes against humanity.

Article 44

The statute of limitation regarding actions connected with offences committed by, or by order of, public officials and which have not been prosecuted for political reasons, shall be extended for the period during which such reasons existed.

Article 45

1. Everyone shall have the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court.
2. Exceptions to the public nature of hearings may be made for reasons of morality, State security, public order or protection of the private life of a party, or other important private interest. Judgments shall be announced publicly.

Article 46

Property may be forfeited only in cases specified by statute, and only by virtue of a final judgment of a court.

Article 47

Everyone shall have the right to legal protection of his private and family life, of his honour and good reputation and to make decisions about his personal life.

Article 48

1. Parents shall have the right to rear their children in accordance with their own convictions. Such upbringing shall respect the degree of maturity of

a child as well as his freedom of conscience and belief and also his convictions.

2. Limitation or deprivation of parental rights may be effected only in the instances specified by statute and only on the basis of a final court judgment.

Article 49

The freedom and privacy of communication shall be ensured. Any limitations thereon may be imposed only in cases and in a manner specified by statute.

Article 50

The inviolability of the home shall be ensured. Any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute.

Article 51

1. No one may be obliged, except on the basis of statute, to disclose information concerning his person.
2. Public authorities shall not acquire, collect nor make accessible information on citizens other than that which is necessary in a democratic state ruled by law.
3. Everyone shall have a right of access to official documents and data collections concerning himself. Limitations upon such rights may be established by statute.
4. Everyone shall have the right to demand the correction or deletion of untrue or incomplete information, or information acquired by means contrary to statute.
5. Principles and procedures for collection of and access to information shall be specified by statute.

Article 52

1. Freedom of movement as well as the choice of place of residence and sojourn within the territory of the Republic of Poland shall be ensured to everyone.

2. Everyone may freely leave the territory of the Republic of Poland.
3. The freedoms specified in paras. 1 and 2 above may be subject to limitations specified by statute.
4. A Polish citizen may not be expelled from the country nor forbidden to return to it.
5. Anyone whose Polish origin has been confirmed in accordance with statute may settle permanently in Poland.

Article 53

1. Freedom of conscience and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 48, para. 1 shall apply as appropriate.
4. The religion of a church or other legally recognized religious organization may be taught in schools, but other peoples' freedom of religion and conscience shall not be infringed thereby.
5. The freedom to publicly express religion may be limited only by means of statute and only where this is necessary for the defence of State security, public order, health, morals or the freedoms and rights of others.
6. No one shall be compelled to participate or not participate in religious practices.
7. No one may be compelled by organs of public authority to disclose his philosophy of life, religious convictions or belief.

Article 54

1. The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone.
2. Preventive censorship of the means of social communication and the li-

censing of the press shall be prohibited. Statutes may require the receipt of a permit for the operation of a radio or television station.

Article 55

1. The extradition of a Polish citizen shall be prohibited, except in cases specified in paras 2 and 3.
2. Extradition of a Polish citizen may be granted upon a request made by a foreign state or an international judicial body if such a possibility stems from an international treaty ratified by Poland or a statute implementing a legal instrument enacted by an international organisation of which the Republic of Poland is a member, provided that the act covered by a request for extradition:
 - 1) was committed outside the territory of the Republic of Poland, and
 - 2) constituted an offence under the law in force in the Republic of Poland or would have constituted an offence under the law in force in the Republic of Poland if it had been committed within the territory of the Republic of Poland, both at the time of its commitment and at the time of the making of the request.
3. Compliance with the conditions specified in para. 2 subparas 1 and 2 shall not be required if an extradition request is made by an international judicial body established under an international treaty ratified by Poland, in connection with a crime of genocide, crime against humanity, war crime or a crime of aggression, covered by the jurisdiction of that body.
4. The extradition of a person suspected of the commission of a crime for political reasons but without the use of force shall be forbidden, so as an extradition which would violate rights and freedoms of persons and citizens.
5. The courts shall adjudicate on the admissibility of extradition.

Article 56

1. Foreigners shall have a right of asylum in the Republic of Poland in accordance with principles specified by statute.
2. Foreigners who, in the Republic of Poland, seek protection from persecution, may be granted the status of a refugee in accordance with international agreements to which the Republic of Poland is a party.

POLITICAL FREEDOMS AND RIGHTS

Article 57

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by statute.

Article 58

1. The freedom of association shall be guaranteed to everyone.
2. Associations whose purposes or activities are contrary to the Constitution or statutes shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities.
3. Statutes shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.

Article 59

1. The freedom of association in trade unions, socio-occupational organizations of farmers, and in employers' organizations shall be ensured.
2. Trade unions and employers and their organizations shall have the right to bargain, particularly for the purpose of resolving collective disputes, and to conclude collective labour agreements and other arrangements.
3. Trade unions shall have the right to organize workers' strikes or other forms of protest subject to limitations specified by statute. For protection of the public interest, statutes may limit or forbid the conduct of strikes by specified categories of employees or in specific fields.
4. The scope of freedom of association in trade unions and in employers' organizations may only be subject to such statutory limitations as are permissible in accordance with international agreements to which the Republic of Poland is a party.

Article 60

Polish citizens enjoying full public rights shall have a right of access to the public service based on the principle of equality.

Article 61

1. A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions. Such right shall also include receipt of information on the activities of self-governing economic or professional organs and other persons or organizational units relating to the field in which they perform the duties of public authorities and manage communal assets or property of the State Treasury.
2. The right to obtain information shall ensure access to documents and entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to make sound and visual recordings.
3. Limitations upon the rights referred to in paras. 1 and 2 above, may be imposed by statute solely to protect freedoms and rights of other persons and economic subjects, public order, security or important economic interests of the State.
4. The procedure for the provision of information, referred to in paras. 1 and 2 above shall be specified by statute, and regarding the Sejm and the Senate by their rules of procedure.

Article 62

1. If, no later than on the day of vote, he has attained 18 years of age, Polish citizen shall have the right to participate in a referendum and the right to vote for the President of the Republic of Poland as well as representatives to the Sejm and Senate and organs of local government.
2. Persons who, by a final judgment of a court, have been subjected to legal incapacitation or deprived of public or electoral rights, shall have no right to participate in a referendum nor a right to vote.

Article 63

Everyone shall have the right to submit petitions, proposals and complaints in the public interest, in his own interest or in the interests of another person – with his consent – to organs of public authority, as well as to organizations and social institutions in connection with the performance of their prescribed duties within the field of public administration. The procedures for considering petitions, proposals and complaints shall be specified by statute.

ECONOMIC, SOCIAL AND CULTURAL FREEDOMS AND RIGHTS

Article 64

1. Everyone shall have the right to ownership, other property rights and the right of succession.
2. Everyone, on an equal basis, shall receive legal protection regarding ownership, other property rights and the right of succession.
3. The right of ownership may only be limited by means of a statute and only to the extent that it does not violate the substance of such right.

Article 65

1. Everyone shall have the freedom to choose and to pursue his occupation and to choose his place of work. Exceptions shall be specified by statute.
2. An obligation to work may be imposed only by statute.
3. The permanent employment of children under 16 years of age shall be prohibited. The types and nature of admissible employment shall be specified by statute.
4. A minimum level of remuneration for work, or the manner of setting its levels shall be specified by statute.
5. Public authorities shall pursue policies aiming at full, productive employment by implementing programmes to combat unemployment, including the organization of and support for occupational advice and training, as well as public works and economic intervention.

Article 66

1. Everyone shall have the right to safe and hygienic conditions of work. The methods of implementing this right and the obligations of employers shall be specified by statute.
2. An employee shall have the right to statutorily specified days free from work as well as annual paid holidays; the maximum permissible hours of work shall be specified by statute.

Article 67

1. A citizen shall have the right to social security whenever incapacitated for work by reason of sickness or invalidism as well as having attained retirement age. The scope and forms of social security shall be specified by statute.
2. A citizen who is involuntarily without work and has no other means of support, shall have the right to social security, the scope of which shall be specified by statute.

Article 68

1. Everyone shall have the right to have his health protected.
2. Equal access to health care services, financed from public funds, shall be ensured by public authorities to citizens, irrespective of their material situation. The conditions for, and scope of, the provision of services shall be established by statute.
3. Public authorities shall ensure special health care to children, pregnant women, handicapped people and persons of advanced age.
4. Public authorities shall combat epidemic illnesses and prevent the negative health consequences of degradation of the environment.
5. Public authorities shall support the development of physical culture, particularly amongst children and young persons.

Article 69

Public authorities shall provide, in accordance with statute, aid to disabled persons to ensure their subsistence, adaptation to work and social communication.

Article 70

1. Everyone shall have the right to education. Education to 18 years of age shall be compulsory. The manner of fulfilment of schooling obligations shall be specified by statute.
2. Education in public schools shall be without payment. Statutes may allow for payments for certain services provided by public institutions of higher education.
3. Parents shall have the right to choose schools other than public for their children. Citizens and institutions shall have the right to establish primary and secondary schools and institutions of higher education and educational development institutions. The conditions for establishing and operating non-public schools, the participation of public authorities in their financing, as well as the principles of educational supervision of such schools and educational development institutions, shall be specified by statute.
4. Public authorities shall ensure universal and equal access to education for citizens. To this end, they shall establish and support systems for individual financial and organizational assistance to pupils and students. The conditions for providing of such assistance shall be specified by statute.
5. The autonomy of the institutions of higher education shall be ensured in accordance with principles specified by statute.

Article 71

1. The State, in its social and economic policy, shall take into account the good of the family. Families, finding themselves in difficult material and social circumstances – particularly those with many children or a single parent – shall have the right to special assistance from public authorities.
2. A mother, before and after birth, shall have the right to special assistance from public authorities, to the extent specified by statute.

Article 72

1. The Republic of Poland shall ensure protection of the rights of the child. Everyone shall have the right to demand of organs of public authority that they defend children against violence, cruelty, exploitation and actions which undermine their moral sense.

2. A child deprived of parental care shall have the right to care and assistance provided by public authorities.
3. Organs of public authority and persons responsible for children, in the course of establishing the rights of a child, shall consider and, insofar as possible, give priority to the views of the child.
4. The competence and procedure for appointment of the Commissioner for Children's Rights shall be specified by statute.

Article 73

The freedom of artistic creation and scientific research as well as dissemination of the fruits thereof, the freedom to teach and to enjoy the products of culture, shall be ensured to everyone.

Article 74

1. Public authorities shall pursue policies ensuring the ecological security of current and future generations.
2. Protection of the environment shall be the duty of public authorities.
3. Everyone shall have the right to be informed of the quality of the environment and its protection.
4. Public authorities shall support the activities of citizens to protect and improve the quality of the environment.

Article 75

1. Public authorities shall pursue policies conducive to satisfying the housing needs of citizens, in particular combating homelessness, promoting the development of low-income housing and supporting activities aimed at acquisition of a home by each citizen.
2. Protection of the rights of tenants shall be established by statute.

Article 76

Public authorities shall protect consumers, customers, hirers or lessees against activities threatening their health, privacy and safety, as well as against dishonest market practices. The scope of such protection shall be specified by statute.

MEANS FOR THE DEFENCE OF FREEDOMS AND RIGHTS

Article 77

1. Everyone shall have the right to compensation for any harm done to him by any action of an organ of public authority contrary to law.
2. Statutes shall not bar the recourse by any person to the courts in pursuit of claims alleging infringement of freedoms or rights.

Article 78

Each party shall have the right to appeal against judgments and decisions made at first stage. Exceptions to this principle and the procedure for such appeals shall be specified by statute.

Article 79

1. In accordance with principles specified by statute, everyone whose constitutional freedoms or rights have been infringed, shall have the right to appeal to the Constitutional Tribunal for its judgment on the conformity to the Constitution of a statute or another normative act upon which basis a court or organ of public administration has made a final decision on his freedoms or rights or on his obligations specified in the Constitution.
2. The provisions of para. 1 above shall not relate to the rights specified in Article 56.

Article 80

In accordance with principles specified by statute, everyone shall have the right to apply to the Commissioner for Citizens' Rights for assistance in protection of his freedoms or rights infringed by organs of public authority.

Article 81

The rights specified in Article 65, paras. 4 and 5, Article 66, Article 69, Article 71 and Articles 74–76, may be asserted subject to limitations specified by statute.

OBLIGATIONS

Article 82

Loyalty to the Republic of Poland, as well as concern for the common good, shall be the duty of every Polish citizen.

Article 83

Everyone shall observe the law of the Republic of Poland.

Article 84

Everyone shall comply with his responsibilities and public duties, including the payment of taxes, as specified by statute.

Article 85

1. It shall be the duty of every Polish citizen to defend the Homeland.
2. The nature of military service shall be specified by statute.
3. Any citizen whose religious convictions or moral principles do not allow him to perform military service may be obliged to perform substitute service in accordance with principles specified by statute.

Article 86

Everyone shall care for the quality of the environment and shall be held responsible for causing its degradation. The principles of such responsibility shall be specified by statute.

CHAPTER III SOURCES OF LAW

Article 87

1. The sources of universally binding law of the Republic of Poland shall be: the Constitution, statutes, ratified international agreements, and regulations.
2. Enactments of local law issued by the operation of organs shall be a source of universally binding law of the Republic of Poland in the territory of the organ issuing such enactments.

Article 88

1. The condition precedent for the coming into force of statutes, regulations and enactments of local law shall be the promulgation thereof. The principles of and procedures for promulgation of normative acts shall be specified by statute.
2. International agreements ratified with prior consent granted by statute shall be promulgated in accordance with the procedures required for statutes. The principles of promulgation of other international agreements shall be specified by statute.

Article 89

1. Ratification of an international agreement by the Republic of Poland, as well as renunciation thereof, shall require prior consent granted by statute – if such agreement concerns:
 - 1) peace, alliances, political or military treaties;
 - 2) freedoms, rights or obligations of citizens, as specified in the Constitution;
 - 3) the Republic of Poland's membership in an international organization;
 - 4) considerable financial responsibilities imposed on the State;
 - 5) matters regulated by statute or those in respect of which the Constitution requires the form of a statute.

2. The President of the Council of Ministers (the Prime Minister) shall inform the Sejm of any intention to submit, for ratification by the President of the Republic, any international agreements whose ratification does not require consent granted by statute.
3. The principles of and procedures for the conclusion and renunciation of international agreements shall be specified by statute.

Article 90

1. The Republic of Poland may, by virtue of international agreements, delegate to an international organization or international institution the competence of organs of State authority in relation to certain matters.
2. A statute, granting consent for ratification of an international agreement referred to in para.1, shall be passed by the Sejm by a two-thirds majority vote in the presence of at least half of the statutory number of Deputies, and by the Senate by a two-thirds majority vote in the presence of at least half of the statutory number of Senators.
3. Granting of consent for ratification of such agreement may also be passed by a nationwide referendum in accordance with the provisions of Article 125.
4. Any resolution in respect of the choice of procedure for granting consent to ratification shall be taken by the Sejm by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies.

Article 91

1. After promulgation thereof in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*), a ratified international agreement shall constitute part of the domestic legal order and shall be applied directly, unless its application depends on the enactment of a statute.
2. An international agreement ratified upon prior consent granted by statute shall have precedence over statutes if such an agreement cannot be reconciled with the provisions of such statutes.
3. If an agreement, ratified by the Republic of Poland, establishing an international organization so provides, the laws established by it shall be applied directly and have precedence in the event of a conflict of laws.

Article 92

1. Regulations shall be issued on the basis of specific authorization contained in, and for the purpose of implementation of, statutes by the organs specified in the Constitution. The authorization shall specify the organ appropriate to issue a regulation and the scope of matters to be regulated as well as guidelines concerning the provisions of such act.
2. An organ authorized to issue a regulation shall not delegate its competence, referred to in para. 1 above, to another organ.

Article 93

1. Resolutions of the Council of Ministers and orders of the Prime Minister and ministers shall be of an internal character and shall bind only those organizational units subordinate to the organ which issues such act.
2. Orders shall only be issued on the basis of statute. They shall not serve as the basis for decisions taken in respect of citizens, legal persons and other subjects.
3. Resolutions and orders shall be subject to scrutiny regarding their compliance with universally binding law.

Article 94

On the basis of and within limits specified by statute, organs of local government and territorial organs of government administration shall enact local legal enactments applicable to their territorially defined areas of operation. The principles of and procedures for enacting local legal enactments shall be specified by statute.

Chapter IV **THE SEJM AND THE SENATE**

Article 95

1. Legislative power in the Republic of Poland shall be exercised by the Sejm and the Senate.

2. The Sejm shall exercise control over the activities of the Council of Ministers within the scope specified by the provisions of the Constitution and statutes.

ELECTIONS AND THE TERM OF OFFICE

Article 96

1. The Sejm shall be composed of 460 Deputies.
2. Elections to the Sejm shall be universal, equal, direct and proportional and shall be conducted by secret ballot.

Article 97

1. The Senate shall be composed of 100 Senators.
2. Elections to the Senate shall be universal, direct and shall be conducted by secret ballot.

Article 98

1. The Sejm and the Senate shall be chosen each for a 4-year term of office. The term of office of the Sejm and Senate shall begin on the day on which the Sejm assembles for its first sitting and shall continue until the day preceding the assembly of the Sejm of the succeeding term of office.
2. Elections to the Sejm and the Senate shall be ordered by the President of the Republic no later than 90 days before the expiry of the 4 year period beginning with the commencement of the Sejm's and Senate's term of office, and he shall order such elections to be held on a non-working day which shall be within the 30 day period before the expiry of the 4 year period beginning from the commencement of the Sejm's and Senate's term of office.
3. The Sejm may shorten its term of office by a resolution passed by a majority of at least two-thirds of the votes of the statutory number of Deputies. Any shortening of the term of office of the Sejm shall simultaneously mean a shortening of the term of office of the Senate. The provisions of para. 5 above shall apply as appropriate.

4. The President of the Republic, after seeking the opinion of the Marshal of the Sejm and the Marshal of the Senate, may, in those instances specified in the Constitution, order shortening of the Sejm's term of office. Whenever the term of office of the Sejm has been so shortened, then the term of office of the Senate shall also be shortened.
5. The President of the Republic, when ordering the shortening of the Sejm's term of office, shall simultaneously order elections to the Sejm and the Senate, and shall order them to be held on a day falling no later than within the 45 day period from the day of the official announcement of Presidential order on the shortening of the Sejm's term of office. The President of the Republic shall summon the first sitting of the newly elected Sejm no later than the 15th day after the day on which the elections were held.
6. In the event of shortening of the Sejm's term of office, the provisions of para. 1 above shall apply as appropriate.

Article 99

1. Every citizen having the right to vote, who, no later than on the day of the elections, has attained the age of 21 years, shall be eligible to be elected to the Sejm.
2. Every citizen having the right to vote, who, no later than on the day of the elections, has attained the age of 30 years, shall be eligible to be elected to the Senate.
3. No person sentenced to imprisonment by a final judgment for an intentional indictable offence may be elected to the Sejm or the Senate.

Article 100

1. Candidates for Deputies and Senators may be nominated by political parties or voters.
2. No one may stand for election to the Sejm and the Senate at the same time.
3. The principles of and procedures for the nomination of candidates and the conduct of the elections, as well as the requirements for validity of the elections, shall be specified by statute.

Article 101

1. The Supreme Court shall adjudicate upon the validity of the elections to the Sejm and the Senate.
2. A voter shall have the right to submit a complaint to the Supreme Court against the validity of the elections in accordance with principles specified by statute.

DEPUTIES AND SENATORS

Article 102

No one may be a Deputy and Senator at the same time.

Article 103

1. The mandate of a Deputy shall not be held jointly with the office of the President of the National Bank of Poland, the President of the Supreme Chamber of Control, the Commissioner for Citizens' Rights, the Commissioner for Children's Rights or their deputies, a member of the Council for Monetary Policy, a member of the National Council of Radio Broadcasting and Television, ambassador, or with employment in the Chancellery of the Sejm, Chancellery of the Senate, Chancellery of the President of the Republic, or with employment in government administration. This prohibition shall not apply to members of the Council of Ministers and secretaries of state in government administration.
2. No judge, public prosecutor, officer of the civil service, soldier on active military service or functionary of the police or of the services of State protection shall exercise the mandate of a Deputy.
3. Other instances prohibiting the holding of a mandate of a Deputy or prohibiting the performance of a mandate jointly with other public functions may be specified by statute.

Article 104

1. Deputies shall be representatives of the Nation. They shall not be bound by any instructions of the electorate.

2. Deputies, before the commencement of the performance of the mandate, shall take the following oath in the presence of the Sejm:
“I do solemnly swear to perform my duties to the Nation diligently and conscientiously, to safeguard the sovereignty and interests of the State, to do all within my power for the prosperity of the Homeland and the well-being of its citizens, and to observe the Constitution and other laws of the Republic of Poland.”
The oath may also be taken with the additional sentence “So help me, God.”
3. A refusal to take the oath shall be deemed to be a renunciation of the mandate.

Article 105

1. A Deputy shall not be held accountable for his activity performed within the scope of a Deputy’s mandate during the term thereof nor after its completion. Regarding such activities, a Deputy can only be held accountable before the Sejm and, in a case where he has infringed the rights of third parties, he may only be proceeded against before a court with the consent of the Sejm.
2. From the day of announcement of the results of the elections until the day of the expiry of his mandate, a Deputy shall not be subjected to criminal accountability without the consent of the Sejm.
3. Criminal proceedings instituted against a person before the day of his election as Deputy, shall be suspended at the request of the Sejm until the time of expiry of the mandate. In such instance, the statute of limitation with respect to criminal proceedings shall be extended for the equivalent time.
4. A Deputy may consent to be brought to criminal accountability. In such instance, the provisions of paras. 2 and 3 shall not apply.
5. A Deputy shall be neither detained nor arrested without the consent of the Sejm, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. Any such detention shall be immediately communicated to the Marshal of the Sejm, who may order an immediate release of the Deputy.
6. Detailed principles of and procedures for bringing Deputies to criminal accountability shall be specified by statute.

Article 106

Conditions appropriate to the effective discharge of their duties by the Deputies as well as for defence of their rights resulting from the performance of their mandate shall be specified by statute.

Article 107

1. Deputies shall not be permitted, to the extent specified by statute, to perform any business activity involving any benefit derived from the property of the State Treasury or local government or to acquire such property.
2. In respect of any breach of the prohibition specified in para. 1 above, a Deputy shall, by resolution of the Sejm adopted on a motion of the Marshal of the Sejm, be brought to accountability before the Tribunal of State which shall adjudicate upon forfeiture of the mandate.

Article 108

The provisions of Articles 103–107 shall apply, as appropriate, to Senators.

ORGANIZATION AND FUNCTIONING

Article 109

1. The Sejm and the Senate shall debate in the course of sittings.
2. The first sitting of the Sejm and Senate shall be summoned by the President of the Republic to be held on a day within 30 days following the day of the elections, except for instances specified in Article 98, paras. 3 and 5.

Article 110

1. The Sejm shall elect from amongst its members a Marshal of the Sejm and Vice- Marshals.
2. The Marshal of the Sejm shall preside over the debates of the Sejm, safeguard the rights of the Sejm as well as represent the Sejm in external matters.

3. The Sejm shall appoint standing committees and may also appoint special committees.

Article 111

1. The Sejm may appoint an investigative committee to examine a particular matter.
2. The procedures for work by an investigative committee shall be specified by statute.

Article 112

The internal organization and conduct of work of the Sejm and the procedure for appointment and operation of its organs as well as the manner of performance of obligations, both constitutional and statutory, by State organs in relation to the Sejm, shall be specified in the rules of procedure adopted by the Sejm.

Article 113

Sittings of the Sejm shall be open to the public. In the interest of the State, the Sejm may resolve, by an absolute majority vote taken in the presence of at least half of the statutory number of Deputies, to hold a debate in secret.

Article 114

1. In instances specified in the Constitution, the Sejm and the Senate sitting in joint session, shall act as the National Assembly, with the Marshal of the Sejm presiding or, in his absence, the Marshal of the Senate.
2. The National Assembly shall adopt its own rules of procedure.

Article 115

1. The Prime Minister and other members of the Council of Ministers shall furnish answers to interpellations and Deputies' questions within 21 days.
2. The Prime Minister and other members of the Council of Ministers shall furnish answers to matters raised in the course of each sitting of the Sejm.

Article 116

1. The Sejm shall declare, in the name of the Republic of Poland, a state of war and the conclusion of peace.
2. The Sejm may adopt a resolution on a state of war only in the event of armed aggression against the territory of the Republic of Poland or when an obligation of common defence against aggression arises by virtue of international agreements. If the Sejm cannot assemble for a sitting, the President of the Republic may declare a state of war.

Article 117

The principles for deployment of the Armed Forces beyond the borders of the Republic of Poland shall be specified by a ratified international agreement or by statute. The principles for the presence of foreign troops on the territory of the Republic of Poland and the principles for their movement within that territory shall be specified by ratified agreements or statutes.

Article 118

1. The right to introduce legislation shall belong to Deputies, to the Senate, to the President of the Republic and to the Council of Ministers.
2. The right to introduce legislation shall also belong to a group of at least 100,000 citizens having the right to vote in elections to the Sejm. The procedure in such matter shall be specified by statute.
3. Sponsors, when introducing a bill to the Sejm, shall indicate the financial consequences of its implementation.

Article 119

1. The Sejm shall consider bills in the course of three readings.
2. The right to introduce amendments to a bill in the course of its consideration by the Sejm shall belong to its sponsor, Deputies and the Council of Ministers.
3. The Marshal of the Sejm may refuse to put to a vote any amendment which has not previously been submitted to a committee.
4. The sponsor may withdraw a bill in the course of legislative proceedings in the Sejm until the conclusion of its second reading.

Article 120

The Sejm shall pass bills by a simple majority vote, in the presence of at least half of the statutory number of Deputies, unless the Constitution provides for another majority. The same procedure shall be applied by the Sejm in adoption of resolutions, unless a statute or a resolution of the Sejm provide otherwise.

Article 121

1. A bill passed by the Sejm shall be submitted to the Senate by the Marshal of the Sejm.
2. The Senate, within 30 days of submission of a bill, may adopt it without amendment, adopt amendments or resolve upon its complete rejection. If, within 30 days following the submission of the bill, the Senate fails to adopt an appropriate resolution, the bill shall be considered adopted according to the wording submitted by the Sejm.
3. A resolution of the Senate rejecting a bill, or an amendment proposed in the Senate's resolution, shall be considered accepted unless the Sejm rejects it by an absolute majority vote in the presence of at least half of the statutory number of Deputies.

Article 122

1. After the completion of the procedure specified in Article 121, the Marshal of the Sejm shall submit an adopted bill to the President of the Republic for signature.
2. The President of the Republic shall sign a bill within 21 days of its submission and shall order its promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*).
3. The President of the Republic may, before signing a bill, refer it to the Constitutional Tribunal for an adjudication upon its conformity to the Constitution. The President of the Republic shall not refuse to sign a bill which has been judged by the Constitutional Tribunal as conforming to the Constitution.
4. The President of the Republic shall refuse to sign a bill which the Constitutional Tribunal has judged not to be in conformity to the Constitution. If, however, the non-conformity to the Constitution relates to particular

provisions of the bill, and the Tribunal has not judged that they are inseparably connected with the whole bill, then, the President of the Republic, after seeking the opinion of the Marshal of the Sejm, shall sign the bill with the omission of those provisions considered as being in non-conformity to the Constitution or shall return the bill to the Sejm for the purpose of removing the non-conformity.

5. If the President of the Republic has not made reference to the Constitutional Tribunal in accordance with para. 3, he may refer the bill, with reasons given, to the Sejm for its reconsideration. If the said bill is repassed by the Sejm by a three-fifths majority vote in the presence of at least half of the statutory number of Deputies, then, the President of the Republic shall sign it within 7 days and shall order its promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*). If the said bill has been repassed by the Sejm, the President of the Republic shall have no right to refer it to the Constitutional Tribunal in accordance with the procedure prescribed in para. 3.
6. Any such reference by the President of the Republic to the Constitutional Tribunal for an adjudication upon the conformity of a statute to the Constitution, or any application for reconsideration of a bill, shall suspend the period of time allowed for its signature, specified in para. 2, above.

Article 123

1. The Council of Ministers may classify a bill adopted by itself as urgent, with the exception of tax bills, bills governing elections to the Presidency of the Republic of Poland, to the Sejm, to the Senate and to organs of local government, bills governing the structure and jurisdiction of public authorities, and also drafts of law codes.
2. The rules of procedure of the Sejm and the rules of procedure of the Senate shall define the modifications in the legislative procedure when a bill has been classified as urgent.
3. In the legislative procedure in relation to a bill classified as urgent, the time period for its consideration by the Senate shall be 14 days and the period for its signature by the President of the Republic shall be 7 days.

Article 124

The provisions of Article 110, Article 112, Article 113 and Article 120 shall apply, as appropriate, to the Senate.

REFERENDUM

Article 125

1. A nationwide referendum may be held in respect of matters of particular importance to the State.
2. The right to order a nationwide referendum shall be vested in the Sejm, to be taken by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, or in the President of the Republic with the consent of the Senate given by an absolute majority vote taken in the presence of at least half of the statutory number of Senators.
3. A result of a nationwide referendum shall be binding, if more than half of the number of those having the right to vote have participated in it.
4. The validity of a nationwide referendum and the referendum referred to in Article 235, para. 6, shall be determined by the Supreme Court.
5. The principles of and procedures for the holding of a referendum shall be specified by statute.

Chapter V

THE PRESIDENT OF THE REPUBLIC OF POLAND

Article 126

1. The President of the Republic of Poland shall be the supreme representative of the Republic of Poland and the guarantor of the continuity of State authority.
2. The President of the Republic shall ensure observance of the Constitution, safeguard the sovereignty and security of the State as well as the inviolability and integrity of its territory.
3. The President shall exercise his duties within the scope of and in accordance with the principles specified in the Constitution and statutes.

Article 127

1. The President of the Republic shall be elected by the Nation, in universal, equal and direct elections, conducted by secret ballot.
2. The President of the Republic shall be elected for a 5-year term of office and may be re-elected only for one more term.
3. Only a Polish citizen who, no later than the day of the elections, has attained 35 years of age and has a full electoral franchise in elections to the Sejm, may be elected President of the Republic. Any such candidature shall be supported by the signatures of at least 100,000 citizens having the right to vote in elections to the Sejm.
4. A candidate who has received more than half of the valid votes shall be considered elected President of the Republic. If none of the candidates has received the required majority of votes, then a repeat ballot shall be held on the 14th day after the first vote.
5. The two candidates who have received the largest number of votes in the first ballot shall participate in a repeat ballot. If one of the two such candidates withdraws his consent to candidacy, forfeits his electoral rights or dies, he shall be replaced in the repeat ballot by the candidate who received the next highest consecutive number of votes in the first ballot. In such case, the date of the repeat ballot shall be extended by a further 14 days.
6. The candidate who receives the higher number of votes in the repeat ballot shall be elected President of the Republic.
7. The principles of and procedure for nominating candidates and conducting the elections, as well as the requirements for validity of the election of the President of the Republic, shall be specified by statute.

Article 128

1. The term of office of the President of the Republic shall commence on the date of his assuming such office.
2. The election of the President of the Republic shall be ordered by the Marshal of the Sejm to be held on a day no sooner than 100 days and no later than 75 days before expiry of the term of office of the serving President of the Republic, and in the event of the office of President of the Republic falling vacant - no later than the 14th day thereafter, specifying the date of the election which shall be on a non-working day and within a period of 60 days of the day of ordering the election.

Article 129

1. The Supreme Court shall adjudicate upon the validity of the election of the President of the Republic.
2. A voter shall have the right to submit a complaint to the Supreme Court concerning the validity of the election of the President of the Republic in accordance with principles specified by statute.
3. In the event of the election of the President of the Republic being judged invalid, a new election shall be held in accordance with the principles prescribed in

Article 128, para. 2 in relation to a vacancy in the office of President of the Republic.

Article 130

The President of the Republic shall assume office upon taking the following oath in the presence of the National Assembly:

“Assuming, by the will of the Nation, the office of President of the Republic of Poland, I do solemnly swear to be faithful to the provisions of the Constitution; I pledge that I shall steadfastly safeguard the dignity of the Nation, the independence and security of the State, and also that the good of the Homeland and the prosperity of its citizens shall forever remain my supreme obligation.” The oath may also be taken with the additional sentence “So help me, God.”

Article 131

1. If the President of the Republic is temporarily unable to discharge the duties of his office, he shall communicate this fact to the Marshal of the Sejm, who shall temporarily assume the duties of the President of the Republic. If the President of the Republic is not in a position to inform the Marshal of the Sejm of his incapacity to discharge the duties of the office, then the Constitutional Tribunal shall, on request of the Marshal of the Sejm, determine whether or not there exists an impediment to the exercise of the office by the President of the Republic. If the Constitutional Tribunal so finds, it shall require the Marshal of the Sejm to temporarily perform the duties of the President of the Republic.
2. The Marshal of the Sejm shall, until the time of election of a new President

of the Republic, temporarily discharge the duties of the President of the Republic in the following instances:

- 1) the death of the President of the Republic;
- 2) the President's resignation from office;
- 3) judicial declaration of the invalidity of the election to the Presidency or other reasons for not assuming office following the election;
- 4) a declaration by the National Assembly of the President's permanent incapacity to exercise his duties due to the state of his health; such declaration shall require a resolution adopted by a majority vote of at least two-thirds of the statutory number of members of the National Assembly;
- 5) dismissal of the President of the Republic from office by a judgment of the Tribunal of State.
- 6) If the Marshal of the Sejm is unable to discharge the duties of the President of the Republic, such duties shall be discharged by the Marshal of the Senate.
- 7) A person discharging the duties of the President of the Republic shall not shorten the term of office of the Sejm.

The President of the Republic shall hold no other offices nor discharge any public functions, with the exception of those connected with the duties of his office.

Article 133

The President of the Republic, as representative of the State in foreign affairs, shall:

- 1) ratify and renounce international agreements, and shall notify the Sejm and the Senate thereof;
 - 2) appoint and recall the plenipotentiary representatives of the Republic of Poland to other states and to international organizations;
 - 3) receive the Letters of Credence and recall of diplomatic representatives of other states and international organizations accredited to him.
2. The President of the Republic, before ratifying an international agreement may refer it to the Constitutional Tribunal with a request to adjudicate upon its conformity to the Constitution.
 3. The President of the Republic shall cooperate with the Prime Minister and the appropriate minister in respect of foreign policy.

Article 134

1. The President of the Republic shall be the Supreme Commander of the Armed Forces of the Republic of Poland.
2. The President of the Republic, in times of peace, shall exercise command over the Armed Forces through the Minister of National Defence.
3. The President of the Republic shall appoint, for a specified period of time, the Chief of the General Staff and commanders of branches of the Armed Forces. The duration of their term of office, the procedure for and terms of their dismissal before the end thereof, shall be specified by statute.
4. The President of the Republic, for a period of war, shall appoint the Commander-in-Chief of the Armed Forces on request of the Prime Minister. He may dismiss the Commander-in-Chief of the Armed Forces in accordance with the same procedure. The authority of the Commander-in-Chief of the Armed Forces, as well as the principle of his subordination to the constitutional organs of the Republic of Poland, shall be specified by statute.
5. The President of the Republic, on request of the Minister of National Defence, shall confer military ranks as specified by statute.
6. The authority of the President of the Republic, regarding his supreme command of the Armed Forces, shall be specified in detail by statute.

Article 135

The advisory organ to the President of the Republic regarding internal and external security of the State shall be the National Security Council.

Article 136

In the event of a direct external threat to the State, the President of the Republic shall, on request of the Prime Minister, order a general or partial mobilization and deployment of the Armed Forces in defence of the Republic of Poland.

Article 137

The President of the Republic shall grant Polish citizenship and shall give consent for renunciation of Polish citizenship.

Article 138

The President of the Republic shall confer orders and decorations.

Article 139

The President of the Republic shall have the power of pardon. The power of pardon may not be extended to individuals convicted by the Tribunal of State.

Article 140

The President of the Republic may deliver a Message to the Sejm, to the Senate or to the National Assembly. Such Message shall not be a subject of debate.

Article 141

1. The President of the Republic may, regarding particular matters, convene the Cabinet Council. The Cabinet Council shall be composed of the Council of Ministers whose debates shall be presided over by the President of the Republic.
2. The Cabinet Council shall not possess the competence of the Council of Ministers.

Article 142

The President of the Republic shall issue regulations and executive orders in accordance with the principles specified in Articles 92 and 93.

The President of the Republic shall issue decisions within the scope of discharge of his other authorities.

Article 143

The Presidential Chancellery shall be the organ of assistance to the President of the Republic. The President of the Republic shall establish the statute of the Presidential Chancellery and shall appoint and dismiss its Chief.

Article 144

1. The President of the Republic, exercising his constitutional and statutory authority, shall issue Official Acts.
2. Official Acts of the President shall require, for their validity, the signature of the Prime Minister who, by such signature, accepts responsibility therefor to the Sejm.
3. The provisions of para. 2 above shall not relate to:
 - 1) proclaiming elections to the Sejm and to the Senate;
 - 2) summoning the first sitting of a newly elected Sejm and Senate;
 - 3) shortening of the term of office of the Sejm in the instances specified in the Constitution;
 - 4) introducing legislation;
 - 5) proclaiming the holding of a nationwide referendum;
 - 6) signing or refusing to sign a bill;
 - 7) ordering the promulgation of a statute or an international agreement in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*);
 - 8) delivering a Message to the Sejm, to the Senate or to the National Assembly;
 - 9) making a referral to the Constitutional Tribunal;
 - 10) requesting the Supreme Chamber of Control to carry out an audit;
 - 11) nominating and appointing the Prime Minister;
 - 12) accepting resignation of the Council of Ministers and obliging it to temporarily continue with its duties;
 - 13) applying to the Sejm to bring a member of the Council of Ministers to responsibility before the Tribunal of State;
 - 14) dismissing a minister in whom the Sejm has passed a vote of no confidence;
 - 15) convening the Cabinet Council;
 - 16) conferring orders and decorations;
 - 17) appointing judges;
 - 18) exercising the power of pardon;
 - 19) granting Polish citizenship and giving consent for renunciation of Polish citizenship;
 - 20) appointing the First President of the Supreme Court;
 - 21) appointing the President and Vice-President of the Constitutional Tribunal;

- 22) appointing the President of the Supreme Administrative Court;
- 23) appointing the presidents of the Supreme Court and vice-presidents of the Supreme Administrative Court;
- 24) requesting the Sejm to appoint the President of the National Bank of Poland;
- 25) appointing the members of the Council for Monetary Policy;
- 26) appointing and dismissing members of the National Security Council;
- 27) appointing members of the National Council of Radio Broadcasting and Television;
- 28) establishing the statute of the Presidential Chancellery and appointing or dismissing the Chief of the Presidential Chancellery.
- 29) issuing orders in accordance with the principles specified in Article 93;
- 30) resigning from the office of President of the Republic.

Article 145

1. The President of the Republic may be held accountable before the Tribunal of State for an infringement of the Constitution or statute, or for commission of an offence.
2. Bringing an indictment against the President of the Republic shall be done by resolution of the National Assembly passed by a majority of at least two-thirds of the statutory number of members of the National Assembly, on the motion of at least 140 members of the Assembly.
3. On the day on which an indictment, to be heard before the Tribunal of State, is brought against the President of the Republic, he shall be suspended from discharging all functions of his office. The provisions of Article 131 shall apply as appropriate.

CHAPTER VI
THE COUNCIL OF MINISTERS AND GOVERNMENT
ADMINISTRATION

Article 146

1. The Council of Ministers shall conduct the internal affairs and foreign policy of the Republic of Poland.
2. The Council of Ministers shall conduct the affairs of State not reserved to other State organs or local government.
3. The Council of Ministers shall manage the government administration.
4. To the extent and in accordance with the principles specified by the Constitution and statutes, the Council of Ministers, in particular, shall:
 - 1) ensure the implementation of statutes;
 - 2) issue regulations;
 - 3) coordinate and supervise the work of organs of State administration;
 - 4) protect the interests of the State Treasury;
 - 5) adopt a draft State Budget;
 - 6) supervise the implementation of the State Budget and pass a resolution on the closing of the State's accounts and report on the implementation of the Budget;
 - 7) ensure the internal security of the State and public order;
 - 8) ensure the external security of the State;
 - 9) exercise general control in the field of relations with other States and international organizations;
 - 10) conclude international agreements requiring ratification as well as accept and renounce other international agreements;
 - 11) exercise general control in the field of national defence and annually specify the number of citizens who are required to perform active military service;
 - 12) determine the organization and the manner of its own work.

Article 147

1. The Council of Ministers shall be composed of the President of the Council of Ministers (Prime Minister) and ministers.

2. Vice-presidents of the Council of Ministers (Deputy Prime Ministers) may also be appointed within the Council of Ministers.
3. The Prime Minister and Deputy Prime Ministers may also discharge the functions of a minister.
4. The presidents of committees specified in statutes may also be appointed to membership in the Council of Ministers.

Article 148

The Prime Minister shall:

1. represent the Council of Ministers;
2. manage the work of the Council of Ministers;
3. issue regulations;
4. ensure the implementation of the policies adopted by the Council of Ministers and specify the manner of their implementation;
5. coordinate and control the work of members of the Council of Ministers;
6. exercise, within the limits and by the means specified in the Constitution and statute, supervision of local government.
7. be the official superior of employees of the government administration.

Article 149

1. Ministers shall direct a particular branch of government administration or perform tasks allocated to them by the Prime Minister. The scope of activity of a minister directing a branch of government administration shall be specified by statute.
2. A minister directing a branch of government administration shall issue regulations. The Council of Ministers, on the request of the Prime Minister, may repeal a regulation or order of a minister.
3. The provisions applicable to a minister directing a branch of government administration shall apply, as appropriate, to presidents of the committees referred to in Article 147, para. 4.

Article 150

A member of the Council of Ministers shall not perform any activity inconsistent with his public duties.

Article 151

The Prime Minister, Deputy Prime Ministers and ministers shall take the following oath in the presence of the President of the Republic:

“Assuming this office of Prime Minister (Deputy Prime Minister, minister) I do solemnly swear to be faithful to the provisions of the Constitution and other laws of the Republic of Poland, and that the good of the Homeland and the prosperity of its citizens shall forever remain my supreme obligation.”

The oath may also be taken with the additional sentence “So help me, God.”

Article 152

1. The voivod shall be the representative of the Council of Ministers in a voivodship.
2. The procedure for appointment and dismissal, as well as the scope of activity, of a voivod shall be specified by statute.

Article 153

1. A corps of civil servants shall operate in the organs of government administration in order to ensure a professional, diligent, impartial and politically neutral discharge of the State’s obligations.
2. The Prime Minister shall be the superior of such corps of civil servants.

Article 154

1. The President of the Republic shall nominate a Prime Minister who shall propose the composition of a Council of Ministers. The President of the Republic shall, within 14 days of the first sitting of the Sejm or acceptance of the resignation of the previous Council of Ministers, appoint a Prime Minister together with other members of a Council of Ministers and accept the oaths of office of members of such newly appointed Council of Ministers.
2. The Prime Minister shall, within 14 days following the day of his appointment by the President of the Republic, submit a programme of activity of the Council of Ministers to the Sejm, together with a motion requiring a vote of confidence. The Sejm shall pass such vote of confidence by an

absolute majority of votes in the presence of at least half of the statutory number of Deputies.

3. In the event that a Council of Ministers has not been appointed pursuant to para. 1 above or has failed to obtain a vote of confidence in accordance with para. 2 above, the Sejm, within 14 days of the end of the time periods specified in paras 1 and 2, shall choose a Prime Minister as well as members of the Council of Ministers as proposed by him, by an absolute majority of votes in the presence of at least half of the statutory number of Deputies. The President of the Republic shall appoint the Council of Ministers so chosen and accept the oaths of office of its members.

Article 155

1. In the event that a Council of Ministers has not been appointed pursuant to the provisions of Article 154, para. 3, the President of the Republic shall, within a period of 14 days, appoint a Prime Minister and, on his application, other members of the Council of Ministers. The Sejm, within 14 days following the appointment of the Council of Ministers by the President of the Republic, shall hold, in the presence of at least half of the statutory number of Deputies, a vote of confidence thereto.
2. In the event that a vote of confidence has not been granted to the Council of Ministers pursuant to para. 1, the President of the Republic shall shorten the term of office of the Sejm and order elections to be held.

Article 156

1. The members of the Council of Ministers shall be accountable to the Tribunal of State for an infringement of the Constitution or statutes, as well as for the commission of an offence connected with the duties of his office.
2. On the motion of the President of the Republic or at least 115 Deputies, resolution to bring a member of the Council of Ministers to account before the Tribunal of State shall be passed by the Sejm by a majority of three-fifths of the statutory number of Deputies.

Article 157

1. The members of the Council of Ministers shall be collectively responsible to the Sejm for the activities of the Council of Ministers.
2. The members of the Council of Ministers shall be individually responsible to the Sejm for those matters falling within their competence or assigned to them by the Prime Minister.

Article 158

1. The Sejm shall pass a vote of no confidence in the Council of Ministers by a majority of votes of the statutory number of Deputies, on a motion moved by at least 46 Deputies and which shall specify the name of a candidate for Prime Minister. If such a resolution has been passed by the Sejm, the President of the Republic shall accept the resignation of the Council of Ministers and appoint a new Prime Minister as chosen by the Sejm, and, on his application, the other members of the Council of Ministers and accept their oath of office.
2. A motion to pass a resolution referred to in para. 1 above, may be put to a vote no sooner than 7 days after it has been submitted. A subsequent motion of a like kind may be submitted no sooner than after the end of 3 months from the day the previous motion was submitted. A subsequent motion may be submitted before the end of 3 months if such motion is submitted by at least 115 Deputies.

Article 159

1. The Sejm may pass a vote of no confidence in an individual minister. A motion to pass such a vote of no confidence may be submitted by at least 69 Deputies. The provisions of Article 158, para. 2 shall apply as appropriate.
2. The President of the Republic shall recall a minister in whom a vote of no confidence has been passed by the Sejm by a majority of votes of the statutory number of Deputies.

Article 160

The Prime Minister may submit to the Sejm a motion requiring a vote of confidence in the Council of Ministers. A vote of confidence in the Council

of Ministers shall be granted by a majority of votes in the presence of at least half of the statutory number of Deputies.

Article 161

The President of the Republic shall, on the application of the Prime Minister, effect changes in the composition of the Council of Ministers.

Article 162

1. The Prime Minister shall submit the resignation of the Council of Ministers at the first sitting of a newly elected Sejm.
2. The Prime Minister shall also submit the resignation of the Council of Ministers in the following instances:
 - 1) when a vote of confidence in the Council of Ministers has not been passed by the Sejm;
 - 2) when a vote of no confidence has been passed against the Council of Ministers;
 - 3) when the Prime Minister himself has resigned from office.
 - 4) The President of the Republic, when accepting the resignation of the Council of Ministers, shall oblige it to continue with its duties until a new Council of Ministers is appointed.
 - 5) The President of the Republic may, in the case referred to in para. 2, subpara. 3 above, refuse to accept the resignation of the Council of Ministers.

CHAPTER VII LOCAL GOVERNMENT

Article 163

Local government shall perform public tasks not reserved by the Constitution or statutes to the organs of other public authorities.

Article 164

1. The commune (*gmina*) shall be the basic unit of local government.
2. Other units of regional and/or local government shall be specified by statute.
3. The commune shall perform all tasks of local government not reserved to other units of local government.

Article 165

1. Units of local government shall possess legal personality. They shall have rights of ownership and other property rights.
2. The self-governing nature of units of local government shall be protected by the courts.

Article 166

1. Public duties aimed at satisfying the needs of a self-governing community shall be performed by units of local government as their direct responsibility.
2. If the fundamental needs of the State shall so require, a statute may instruct units of local government to perform other public duties. The mode of transfer and manner of performance of the duties so allocated shall be specified by statute.
3. The administrative courts shall settle jurisdictional disputes between units of local government and units of government administration.

Article 167

1. Units of local government shall be assured public funds adequate for the performance of the duties assigned to them.
2. The revenues of units of local government shall consist of their own revenues as well as general subsidies and specific grants from the State Budget.
3. The sources of revenues for units of local government shall be specified by statute.
4. Alterations to the scope of duties and authorities of units of local government shall be made in conjunction with appropriate alterations to their share of public revenues.

Article 168

To the extent established by statute, units of local government shall have the right to set the level of local taxes and charges.

Article 169

1. Units of local government shall perform their duties through constitutive and executive organs.
2. Elections to constitutive organs shall be universal, direct, equal and shall be conducted by secret ballot. The principles and procedures for submitting candidates and for the conduct of elections, as well as the requirements for the validity of elections, shall be specified by statute.
3. The principles and procedures for the election and dismissal of executive organs of units of local government shall be specified by statute.
4. The internal organizational structure of units of local government shall be specified, within statutory limits, by their constitutive organs.

Article 170

Members of a self-governing community may decide, by means of a referendum, matters concerning their community, including the dismissal of an organ of local government established by direct election. The principles of and procedures for conducting a local referendum shall be specified by statute.

Article 171

1. The legality of actions by a local government shall be subject to review.
2. The organs exercising review over the activity of units of local government shall be: the Prime Minister and voivods and regarding financial matters – regional audit chambers.
3. On a motion of the Prime Minister, the Sejm may dissolve a constitutive organ of local government if it has flagrantly violated the Constitution or a statute.

Article 172

1. Units of local government shall have the right to associate.
2. A unit of local government shall have the right to join international associations of local and regional communities as well as cooperate with local and regional communities of other states.
3. The principles governing the exercise of the rights referred to in paras. 1 and 2 above by units of local government shall be specified by statute.

CHAPTER VIII COURTS AND TRIBUNALS

Article 173

The courts and tribunals shall constitute a separate power and shall be independent of other branches of power.

Article 174

The courts and tribunals shall pronounce judgments in the name of the Republic of Poland.

COURTS

Article 175

1. The administration of justice in the Republic of Poland shall be implemented by the Supreme Court, the common courts, administrative courts and military courts.
2. Extraordinary courts or summary procedures may be established only during a time of war.

Article 176

1. Court proceedings shall have at least two stages.
2. The organizational structure and jurisdiction as well as procedure of the courts shall be specified by statute.

Article 177

The common courts shall implement the administration of justice concerning all matters save for those statutorily reserved to other courts.

Article 178

1. Judges, within the exercise of their office, shall be independent and subject only to the Constitution and statutes.
2. Judges shall be provided with appropriate conditions for work and granted remuneration consistent with the dignity of their office and the scope of their duties.
3. A judge shall not belong to a political party, a trade union or perform public activities incompatible with the principles of independence of the courts and judges.

Article 179

Judges shall be appointed for an indefinite period by the President of the Republic on the motion of the National Council of the Judiciary.

Article 180

1. Judges shall not be removable.
2. Recall of a judge from office, suspension from office, transfer to another bench or position against his will, may only occur by virtue of a court judgment and only in those instances prescribed in statute.
3. A judge may be retired as a result of illness or infirmity which prevents him discharging the duties of his office. The procedure for doing so, as well as for appealing against such decision, shall be specified by statute.
4. A statute shall establish an age limit beyond which a judge shall proceed to retirement.

5. Where there has been a reorganization of the court system or changes to the boundaries of court districts, a judge may be allocated to another court or retired with maintenance of his full remuneration.

Article 181

A judge shall not, without prior consent granted by a court specified by statute, be held criminally responsible nor deprived of liberty. A judge shall be neither detained nor arrested, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. The president of the competent local court shall be forthwith notified of any such detention and may order an immediate release of the person detained.

Article 182

A statute shall specify the scope of participation by the citizenry in the administration of justice.

Article 183

1. The Supreme Court shall exercise supervision over common and military courts regarding judgments.
2. The Supreme Court shall also perform other activities specified in the Constitution and statutes.
3. The First President of the Supreme Court shall be appointed by the President of the Republic for a 6-year term of office from amongst candidates proposed by the General Assembly of the Judges of the Supreme Court.

Article 184

The Supreme Administrative Court and other administrative courts shall exercise, to the extent specified by statute, control over the performance of public administration. Such control shall also extend to judgments on the conformity to statute of resolutions of organs of local government and normative acts of territorial organs of government administration.

Article 185

The President of the Supreme Administrative Court shall be appointed by the President of the Republic for a 6-year term of office from amongst candidates proposed by the General Assembly of the Judges of the Supreme Administrative Court.

Article 186

1. The National Council of the Judiciary shall safeguard the independence of courts and judges.
2. The National Council of the Judiciary may make application to the Constitutional Tribunal regarding the conformity to the Constitution of normative acts to the extent to which they relate to the independence of courts and judges.

Article 187

1. The National Council of the Judiciary shall be composed as follows:
 - 1) the First President of the Supreme Court, the Minister of Justice, the President of the Supreme Administrative Court and an individual appointed by the President of the Republic;
 - 2) 15 judges chosen from amongst the judges of the Supreme Court, common courts, administrative courts and military courts;
 - 3) 4 members chosen by the Sejm from amongst its Deputies and 2 members chosen by the Senate from amongst its Senators.
2. The National Council of the Judiciary shall choose, from amongst its members, a chairperson and two deputy chairpersons.
3. The term of office of those chosen as members of the National Council of the Judiciary shall be 4 years.
4. The organizational structure, the scope of activity and procedures for work of the National Council of the Judiciary, as well as the manner of choosing its members, shall be specified by statute.

THE CONSTITUTIONAL TRIBUNAL

Article 188

The Constitutional Tribunal shall adjudicate regarding the following matters:

1. the conformity of statutes and international agreements to the Constitution;
2. the conformity of a statute to ratified international agreements whose ratification required prior consent granted by statute;
3. the conformity of legal provisions issued by central State organs to the Constitution, ratified international agreements and statutes;
4. the conformity to the Constitution of the purposes or activities of political parties;
5. complaints concerning constitutional infringements, as specified in Article 79, para. 1.

Article 189

The Constitutional Tribunal shall settle disputes over authority between central constitutional organs of the State.

Article 190

1. Judgments of the Constitutional Tribunal shall be of universally binding application and shall be final.
2. Judgments of the Constitutional Tribunal regarding matters specified in Article 188, shall be required to be immediately published in the official publication in which the original normative act was promulgated. If a normative act has not been promulgated, then the judgment shall be published in the Official Gazette of the Republic of Poland, *Monitor Polski*.
3. A judgment of the Constitutional Tribunal shall take effect from the day of its publication, however, the Constitutional Tribunal may specify another date for the end of the binding force of a normative act. Such time period may not exceed 18 months in relation to a statute or 12 months in relation to any other normative act. Where a judgment has financial consequences not provided for in the Budget, the Constitutional Tribunal shall specify

date for the end of the binding force of the normative act concerned, after seeking the opinion of the Council of Ministers.

4. A judgment of the Constitutional Tribunal on the non-conformity to the Constitution, an international agreement or statute, of a normative act on the basis of which a legally effective judgment of a court, a final administrative decision or settlement of other matters was issued, shall be a basis for reopening proceedings, or for quashing the decision or other settlement in a manner and on principles specified in provisions applicable to the given proceedings.
5. Judgments of the Constitutional Tribunal shall be made by a majority of votes.

Article 191

1. The following may make application to the Constitutional Tribunal regarding matters specified in Article 188:
 - 1) the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, 50 Deputies, 30 Senators, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Public Prosecutor-General, the President of the Supreme Chamber of Control and the Commissioner for Citizens' Rights,
 - 2) the National Council of the Judiciary, to the extent specified in Article 186, para. 2;
 - 3) the constitutive organs of units of local government;
 - 4) the national organs of trade unions as well as the national authorities of employers' organizations and occupational organizations;
 - 5) churches and religious organizations;
 - 6) the subjects referred to in Article 79 to the extent specified therein.
2. The subjects referred to in para. 1 subparas. 3–5, above, may make such application if the normative act relates to matters relevant to the scope of their activity.

Article 192

The following persons may make application to the Constitutional Tribunal in respect of matters specified in Article 189: the President of the Republic, the Marshal of the Sejm, the Marshal of the Senate, the Prime Minister, the

First President of the Supreme Court, the President of the Supreme Administrative Court and the President of the Supreme Chamber of Control.

Article 193

Any court may refer a question of law to the Constitutional Tribunal as to the conformity of a normative act to the Constitution, ratified international agreements or statute, if the answer to such question of law will determine an issue currently before such court.

Article 194

1. The Constitutional Tribunal shall be composed of 15 judges chosen individually by the Sejm for a term of office of 9 years from amongst persons distinguished by their knowledge of the law. No person may be chosen for more than one term of office.
2. The President and Vice-President of the Constitutional Tribunal shall be appointed by the President of the Republic from amongst candidates proposed by the General Assembly of the Judges of the Constitutional Tribunal.

Article 195

1. Judges of the Constitutional Tribunal, in the exercise of their office, shall be independent and subject only to the Constitution.
2. Judges of the Constitutional Tribunal shall be provided with appropriate conditions for work and granted remuneration consistent with the dignity of the office and the scope of their duties.
3. Judges of the Constitutional Tribunal, during their term of office, shall not belong to a political party, a trade union or perform public activities incompatible with the principles of the independence of the courts and judges.

Article 196

A judge of the Constitutional Tribunal shall not be held criminally responsible or deprived of liberty without prior consent granted by the Constitutional Tribunal. A judge shall be neither detained nor arrested, except for cases

when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. The President of the Constitutional Tribunal shall be notified forthwith of any such detention and may order an immediate release of the person detained.

Article 197

The organization of the Constitutional Tribunal, as well as the mode of proceedings before it, shall be specified by statute.

THE TRIBUNAL OF STATE

Article 198

1. For violations of the Constitution or of a statute committed by them within their office or within its scope, the following persons shall be constitutionally accountable to the Tribunal of State: the President of the Republic, the Prime Minister and members of the Council of Ministers, the President of the National Bank of Poland, the President of the Supreme Chamber of Control, members of the National Council of Radio Broadcasting and Television, persons to whom the Prime Minister has granted powers of management over a ministry, and the Commander-in-Chief of the Armed Forces.
3. Deputies and Senators shall also be constitutionally accountable to the Tribunal of State to extent specified in Article 107.
4. The types of punishment which the Tribunal of State may impose shall be specified by statute.

Article 199

1. The Tribunal of State shall be composed of a chairperson, two deputy chairpersons and 16 members chosen by the Sejm for the current term of office of the Sejm from amongst those who are not Deputies or Senators. The deputy chairpersons of the Tribunal and at least one half of the members of the Tribunal shall possess the qualifications required to hold the office of judge.

2. The First President of the Supreme Court shall be chairperson of the Tribunal of State.
3. The members of the Tribunal of State, within the exercise of their office as judges of the Tribunal, shall be independent and subject only to the Constitution and statutes.

Article 200

A member of the Tribunal of State shall not be held criminally responsible nor deprived of liberty without prior consent granted by the Tribunal of State. A member of the Tribunal of State shall be neither detained nor arrested, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. The chairperson of the Tribunal of State shall be notified forthwith of any such detention and may order an immediate release of the person detained.

Article 201

The organization of the Tribunal of State, as well as the mode of proceedings before it, shall be specified by statute.

CHAPTER IX ORGANS OF STATE CONTROL AND FOR DEFENCE OF RIGHTS

THE SUPREME CHAMBER OF CONTROL

Article 202

1. The Supreme Chamber of Control shall be the chief organ of state audit.
2. The Supreme Chamber of Control shall be subordinate to the Sejm.
3. The Supreme Chamber of Control shall act in accordance with the principles of collegiality.

Article 203

1. The Supreme Chamber of Control shall audit the activity of the organs of government administration, the National Bank of Poland, State legal persons and other State organizational units regarding the legality, economic prudence, efficacy and diligence.
2. The Supreme Chamber of Control may audit the activity of the organs of local government, communal legal persons and other communal organizational units regarding the legality, economic prudence and diligence.
3. The Supreme Chamber of Control may also audit, regarding the legality and economic prudence, the activity of other organizational units and economic subjects, to the extent to which they utilize State or communal property or resources or satisfy financial obligations to the State.

Article 204

1. The Supreme Chamber of Control shall present to the Sejm:
 - 1) an analysis of the implementation of the State Budget and the purposes of monetary policy;
 - 2) an opinion concerning the vote to accept the accounts for the preceding fiscal year presented by the Council of Ministers;
 - 3) information on the results of audits, conclusions and submissions specified by statute.
2. The Supreme Chamber of Control shall present an annual report on its activities to the Sejm.

Article 205

1. The President of the Supreme Chamber of Control shall be appointed by the Sejm, with the consent of the Senate, for a period of 6 years, which may be extended for one more period only.
2. The President of the Supreme Chamber of Control shall not hold any other post, except for a professorship in an institute of higher education, nor perform any other professional activities.
3. The President of the Supreme Chamber of Control shall not belong to a political party, a trade union or perform public activities incompatible with the dignity of his office.

Article 206

The President of the Supreme Chamber of Control shall not be held criminally responsible nor deprived of liberty without prior consent granted by the Sejm. The President of the Supreme Chamber of Control shall be neither detained nor arrested, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. The Marshal of the Sejm shall be notified forthwith of such detention and may order an immediate release of the person detained.

Article 207

The organization and mode of work of the Supreme Chamber of Control shall be specified by statute.

THE COMMISSIONER FOR CITIZENS' RIGHTS

Article 208

1. The Commissioner for Citizens' Rights shall safeguard the freedoms and rights of persons and citizens specified in the Constitution and other normative acts.
2. The scope and mode of work of the Commissioner for Citizens' Rights shall be specified by statute.

Article 209

1. The Commissioner for Citizens' Rights shall be appointed by the Sejm, with the consent of the Senate, for a period of 5 years.
2. The Commissioner for Citizens' Rights shall not hold any other post, except for a professorship in an institute of higher education, nor perform any other professional activities.
3. The Commissioner for Citizens' Rights shall not belong to a political party, a trade union or perform other public activities incompatible with the dignity of his office.

Article 210

The Commissioner for Citizens' Rights shall be independent in his activities, independent of other State organs and shall be accountable only to the Sejm in accordance with principles specified by statute.

Article 211

The Commissioner for Citizens' Rights shall not be held criminally responsible nor deprived of liberty without prior consent granted by the Sejm. The Commissioner for Citizens' Rights shall be neither detained nor arrested, except for cases when he has been apprehended in the commission of an offence and in which his detention is necessary for securing the proper course of proceedings. The Marshal of the Sejm shall be notified forthwith of any such detention and may order an immediate release of the person detained.

Article 212

The Commissioner for Citizens' Rights shall annually inform the Sejm and the Senate about his activities and report on the degree of respect accorded to the freedoms and rights of persons and citizens.

THE NATIONAL COUNCIL OF RADIO BROADCASTING AND TELEVISION

Article 213

1. The National Council of Radio Broadcasting and Television shall safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television.
2. The National Council of Radio Broadcasting and Television shall issue regulations and, in individual cases, adopt resolutions.

Article 214

1. The members of the National Council of Radio Broadcasting and Television shall be appointed by the Sejm, the Senate and the President of the Republic.
2. A member of the National Council of Radio Broadcasting and Television shall not belong to a political party, a trade union or perform public activities incompatible with the dignity of his function.

Article 215

The principles for and mode of work of the National Council of Radio Broadcasting and Television, its organization and detailed principles for appointing its members, shall be specified by statute.

CHAPTER X PUBLIC FINANCES

Article 216

1. Financial resources devoted to public purposes shall be collected and disposed of in the manner specified by statute.
2. The acquisition, disposal and encumbrance of property, stocks or shares, issue of securities by the State Treasury, the National Bank of Poland or other State legal persons shall be done in accordance with principles and by procedures specified by statute.
3. Any monopoly shall be established by means of statute.
4. The contracting of loans as well as granting guarantees and financial sureties by the State shall be done in accordance with principles and by procedures specified by statute.
5. It shall be neither permissible to contract loans nor provide guarantees and financial sureties which would engender a national public debt exceeding three-fifths of the value of the annual gross domestic product. The method for calculating the value of the annual gross domestic product and national public debt shall be specified by statute.

Article 217

The imposition of taxes, as well as other public imposts, the specification of those subject to the tax and the rates of taxation, as well as the principles for granting tax reliefs and remissions, along with categories of taxpayers exempt from taxation, shall be by means of statute.

Article 218

The organization of the State Treasury and the manner of management of the assets of the State Treasury shall be specified by statute.

Article 219

1. The Sejm shall adopt the State budget for a fiscal year by means of a Budget [*ustawa budżetowa* – budgetary statute].
2. The principles of and procedure for preparation of a draft State Budget, the level of its detail and the requirements for a draft State Budget, as well as the principles of and procedure for implementation of the Budget, shall be specified by statute.
3. In exceptional cases, the revenues and expenditures of the State for a period shorter than one year may be specified in an interim budget. The provisions relating to a draft State Budget shall apply, as appropriate, to a draft interim budget.
4. If a State Budget or an interim budget have not come into force on the day of commencement of a fiscal year, the Council of Ministers shall manage State finances pursuant to the draft Budget.

Article 220

1. The increase in spending or the reduction in revenues from those planned by the Council of Ministers may not lead to the adoption by the Sejm of a budget deficit exceeding the level provided in the draft Budget.
2. The Budget shall not provide for covering a budget deficit by way of contracting credit obligations to the State's central bank.

Article 221

The right to introduce legislation concerning a Budget, an interim budget, amendments to the Budget, a statute on the contracting of public debt, as well as a statute granting financial guarantees by the State, shall belong exclusively to the Council of Ministers.

Article 222

The Council of Ministers shall submit to the Sejm a draft Budget for the next year no later than 3 months before the commencement of the fiscal year. In exceptional instances, the draft may be submitted later.

Article 223

The Senate may, within the 20 days following receipt of the Budget, adopt amendments thereto.

Article 224

1. The President of the Republic shall sign the Budget or interim Budget submitted to him by the Marshal of the Sejm within 7 days of receipt thereof, and order its promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*). The provisions of Article 122, para. 5 shall not apply to the Budget or any interim budget.
2. If the President of the Republic has made reference to the Constitutional Tribunal for an adjudication upon the conformity to the Constitution of the Budget or interim budget before signing it, the Tribunal shall adjudicate such matter no later than within a period of 2 months from the day of submission of such reference to the Tribunal.

Article 225

If, after 4 months from the day of submission of a draft Budget to the Sejm, it has not been adopted or presented to the President of the Republic for signature, the President of the Republic may, within the following of 14 days, order the shortening of the Sejm's term of office.

Article 226

1. The Council of Ministers, within the 5-month period following the end of the fiscal year, shall present to the Sejm a report on the implementation of the Budget together with information on the condition of the State debt.
2. Within 90 days following receipt of the report, the Sejm shall consider the report presented to it, and, after seeking the opinion of the Supreme Chamber of Control, shall pass a resolution on whether to grant or refuse to grant approval of the financial accounts submitted by the Council of Ministers.

Article 227

1. The central bank of the State shall be the National Bank of Poland. It shall have the exclusive right to issue money as well as to formulate and implement monetary policy. The National Bank of Poland shall be responsible for the value of Polish currency.
2. The organs of the National Bank of Poland shall be: the President of the National Bank of Poland, the Council for Monetary Policy as well as the Board of the National Bank of Poland.
3. The Sejm, on request of the President of the Republic, shall appoint the President of the National Bank of Poland for a period of 6 years.
4. The President of the National Bank of Poland shall not belong to a political party, a trade union or perform public activities incompatible with the dignity of his office.
5. The Council for Monetary Policy shall be composed of the President of the National Bank of Poland, who shall preside over it, as well as persons distinguished by their knowledge of financial matters - appointed, in equal numbers, by the President of the Republic, the Sejm and the Senate for a period of 6 years.
6. The Council for Monetary Policy shall annually formulate the aims of monetary policy and present them to the Sejm at the same time as the submission of the Council of Ministers' draft Budget. Within 5 months following the end of the fiscal year, the Council for Monetary Policy shall submit to the Sejm a report on the achievement of the purposes of monetary policy.
7. The organization and principles of activity of the National Bank of Poland, as well as detailed principles for the appointment and dismissal of its organs, shall be specified by statute.

CHAPTER XI EXTRAORDINARY MEASURES

Article 228

1. In situations of particular danger, if ordinary constitutional measures are inadequate, any of the following appropriate extraordinary measures may be introduced: martial law, a state of emergency or a state of natural disaster.
2. Extraordinary measures may be introduced only by regulation, issued upon the basis of statute, and which shall additionally require to be publicized.
3. The principles for activity by organs of public authority as well as the degree to which the freedoms and rights of persons and citizens may be subject to limitation for the duration of a period requiring any extraordinary measures shall be established by statute.
4. A statute may specify the principles, scope and manner of compensating for loss of property resulting from limitation of the freedoms and rights of persons and citizens during a period requiring introduction of extraordinary measures.
5. Actions undertaken as a result of the introduction of any extraordinary measure shall be proportionate to the degree of threat and shall be intended to achieve the swiftest restoration of conditions allowing for the normal functioning of the State.
6. During a period of introduction of extraordinary measures, the following shall not be subject to change: the Constitution, the Acts on Elections to the Sejm, the Senate and organs of local government, the Act on Elections to the Presidency, as well as statutes on extraordinary measures.
7. During a period of introduction of extraordinary measures, as well as within the period of 90 days following its termination, the term of office of the Sejm may not be shortened, nor may a nationwide referendum, nor elections to the Sejm, Senate, organs of local government nor elections for the Presidency be held, and the term of office of such organs shall be appropriately prolonged. Elections to organs of local government shall be possible only in those places where the extraordinary measures have not been introduced.

Article 229

In the case of external threats to the State, acts of armed aggression against the territory of the Republic of Poland or when an obligation of common defence against aggression arises by virtue of international agreement, the President of the Republic may, on request of the Council of Ministers, declare a state of martial law in a part of or upon the whole territory of the State.

Article 230

1. In the case of threats to the constitutional order of the State, to security of the citizenry or public order, the President of the Republic may, on request of the Council of Ministers, introduce for a definite period no longer than 90 days, a state of emergency in a part of or upon the whole territory of the State.
2. Extension of a state of emergency may be made once only for a period no longer than 60 days and with the consent of the Sejm.

Article 231

The President of the Republic shall submit the regulation on the introduction of martial law or a state of emergency to the Sejm within 48 hours of signing such regulation. The Sejm shall immediately consider the regulation of the President. The Sejm, by an absolute majority of votes taken in the presence of at least half the statutory number of Deputies, may annul the regulation of the President.

Article 232

In order to prevent or remove the consequences of a natural catastrophe or a technological accident exhibiting characteristics of a natural disaster, the Council of Ministers may introduce, for a definite period no longer than 30 days, a state of natural disaster in a part of or upon the whole territory of the State. An extension of a state of natural disaster may be made with the consent of the Sejm.

Article 233

1. The statute specifying the scope of limitation of the freedoms and rights of persons and citizens in times of martial law and states of emergency shall not limit the freedoms and rights specified in Article 30 (the dignity of the person), Article 34 and Article 36 (citizenship), Article 38 (protection of life), Article 39, Article 40 and Article 41, para.4 (humane treatment), Article 42 (ascription of criminal responsibility), Article 45 (access to a court), Article 47 (personal rights), Article 53 (conscience and religion), Article 63 (petitions), as well as Article 48 and Article 72 (family and children).
2. Limitation of the freedoms and rights of persons and citizens only by reason of race, gender, language, faith or lack of it, social origin, ancestry or property shall be prohibited.
3. The statute specifying the scope of limitations of the freedoms and rights of persons and citizens during states of natural disasters may limit the freedoms and rights specified in Article 22 (freedom of economic activity), Article 41, paras. 1, 3 and 5 (personal freedom), Article 50 (inviolability of the home), Article 52, para. 1 (freedom of movement and sojourn on the territory of the Republic of Poland), Article 59, para. 3 (the right to strike), Article 64 (the right of ownership), Article 65, para. 1 (freedom to work), Article 66, para. 1 (the right to safe and hygienic conditions of work) as well as Article 66, para. 2 (the right to rest).

Article 234

1. Whenever, during a period of martial law, the Sejm is unable to assemble for a sitting, the President of the Republic shall, on application of the Council of Ministers, and within the scope and limits specified in Article 228, paras. 3–5, issue regulations having the force of statute. Such regulations must be approved by the Sejm at its next sitting.
2. The regulations, referred to in para.1 above shall have the character of universally binding law.

CHAPTER XII AMENDING THE CONSTITUTION

Article 235

1. A bill to amend the Constitution may be submitted by the following: at least one- fifth of the statutory number of Deputies; the Senate; or the President of the Republic.
2. Amendments to the Constitution shall be made by means of a statute adopted by the Sejm and, thereafter, adopted in the same wording by the Senate within a period of 60 days.
3. The first reading of a bill to amend the Constitution may take place no sooner than 30 days after the submission of the bill to the Sejm.
4. A bill to amend the Constitution shall be adopted by the Sejm by a majority of at least two-thirds of votes in the presence of at least half of the statutory number of Deputies, and by the Senate by an absolute majority of votes in the presence of at least half of the statutory number of Senators.
5. The adoption by the Sejm of a bill amending the provisions of Chapters I, II or XII of the Constitution shall take place no sooner than 60 days after the first reading of the bill.
6. If a bill to amend the Constitution relates to the provisions of Chapters I, II or XII, the subjects specified in para. 1 above may require, within 45 days of the adoption of the bill by the Senate, the holding of a confirmatory referendum. Such subjects shall make application in the matter to the Marshal of the Sejm, who shall order the holding of a referendum within 60 days of the day of receipt of the application. The amendment to the Constitution shall be deemed accepted if the majority of those voting express support for such amendment.
7. After conclusion of the procedures specified in paras 4 and 6 above, the Marshal of the Sejm shall submit the adopted statute to the President of the Republic for signature. The President of the Republic shall sign the statute within 21 days of its submission and order its promulgation in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*).

CHAPTER XIII FINAL AND TRANSITIONAL PROVISIONS

Article 236

1. Within a period of 2 years from the day on which the Constitution comes into force, the Council of Ministers shall present to the Sejm such bills as are necessary for the implementation of the Constitution.
2. Statutes bringing Article 176 para. 1 into effect, to the extent relevant to proceedings before administrative courts, shall be adopted before the end of 5 years from the day on which the Constitution comes into force. The provisions relating to extraordinary review of judgments by the Supreme Administrative Court shall remain in effect until the entry into force of such statutes.

Article 237

1. Within the 4-year period following the coming into force of this Constitution, cases of misdemeanours shall be heard and determined by the Boards for Adjudication of Misdemeanours attached to district courts, but the punishment of arrest may be imposed only by a court.
2. Appeals from a judgment of a Board shall be considered by a court.

Article 238

1. The term of office of constitutional organs of public power and the individuals composing them, whether elected or appointed before the coming into force of the Constitution, shall end with the completion of the period specified in provisions valid before the day on which the Constitution comes into force.
2. In the event that provisions valid prior to the entry into force of the Constitution do not specify any such term of office, and from the election or appointment there has expired a period longer than that specified in the Constitution, the constitutional term of office of organs of public power or individuals composing them shall end one year after the day on which the Constitution comes into force.

3. If provisions valid before to the entry into force of the Constitution do not specify any such term of office, and from the day of election or appointment there has expired a period shorter than that specified in the Constitution, the time for which such organs or individuals shall serve in accordance with existing provisions shall be included in the term of office specified in the Constitution.

Article 239

1. Within 2 years of the day on which the Constitution comes into force a judgment of the Constitutional Tribunal of the non-conformity to the Constitution of statutes adopted before its coming into force shall not be final and shall be required to be considered by the Sejm which may reject the judgment of the Constitutional Tribunal by a two-third majority vote in the presence of at least half of the statutory number of Deputies. The foregoing provision shall not concern judgments issued in response to questions of law submitted to the Constitutional Tribunal.
2. Proceedings in cases to formulate a universally binding interpretation of statutes by the Constitutional Tribunal instituted before the coming into force of the Constitution, shall be discontinued.
3. On the day on which the Constitution comes into force, resolutions of the Constitutional Tribunal on interpretation of statutes shall lose their universally binding force, but final judgments of the courts and other final decisions made by organs of public authority whilst taking into account the meaning of provisions as decided by the Constitutional Tribunal by way of universally binding interpretation of statutes, shall remain in force.

Article 240

Within one year of the day on which the Constitution comes into force, the Budget may allow for the covering of the budget deficit by contracting debt in the central bank of the State.

Article 241

1. International agreements, previously ratified by the Republic of Poland upon the basis of constitutional provisions valid at the time of their ratifi-

cation and promulgated in the Journal of Laws of the Republic of Poland (*Dziennik Ustaw*), shall be considered as agreements ratified with prior consent granted by statute, and shall be subject to the provisions of Article 91 of the Constitution if their connection with the categories of matters mentioned in Article 89, para. 1 of the Constitution derives from the terms of an international agreement.

2. The Council of Ministers shall, within 2 years of the coming into force of the Constitution, present to the Sejm a list of international agreements containing provisions not in conformity to the Constitution.
3. Senators, elected before the day on which the Constitution comes into force, who have not attained 30 years of age, shall maintain their seats until the end of the term of office for which they were elected.
4. Joint holding of the mandate of a Deputy or Senator with a function or employment forbidden by Article 103, shall result in the expiry of the mandate after one month from the day on which the Constitution comes into force, unless the Deputy or Senator resigns from such function or such employment ceases.
5. Cases subject to legislative procedure or under consideration by the Constitutional Tribunal or the Tribunal of State, and which have been commenced before the coming into force of the Constitution, shall be conducted in accordance with the constitutional provisions valid on the day of the commencement thereof.
6. Within 2 years of the coming into force of the Constitution, the Council of Ministers shall identify which resolutions of the Council of Ministers and orders of ministers or other organs of government administration adopted or issued prior to the day on which the Constitution comes into force require, pursuant to the conditions specified in Article 87, para. 1 and Article 92 of the Constitution, are to be replaced by regulations issued upon the basis of statutes to be drafted and submitted, at the appropriate time, to the Sejm by the Council of Ministers. At the same time, the Council of Ministers shall submit to the Sejm a bill specifying those normative acts issued by the government administration before the day on which the Constitution comes into force which shall become resolutions or orders within the meaning of Article 93 of the Constitution.
7. Enactments of local law as well as provisions issued by communes shall become enactments of local law within the meaning of Article 87, para. 2 of the Constitution.

Article 242

The following are hereby repealed:

1. the Constitutional Act of 17th October 1992, on the Mutual Relations between the Legislative and Executive Institutions of the Republic of Poland and on Local Self-government (*Dziennik Ustaw* of 1992 No. 84, item 426; of 1995 No. 38, item 184, No. 150, item 729 as well as of 1996 No. 106, item 488);
2. the Constitutional Act of 23rd April 1992 on the Procedure for Preparing and Enacting a Constitution for the Republic of Poland (*Dziennik Ustaw* of 1992 No. 67, item 336; and of 1994 No. 61, item 251).

Article 243

The Constitution of the Republic of Poland shall come into force on the expiry of the 3-month period following the day of its promulgation.

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