France Constitution

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{ **Editor's Notes:**
The ICL edition is based on the text published by the **오류! 하이퍼링크 참조가 잘못되었습니다.**, but adapts the style to the ICL standards. It tries to follow the **오류! 하이퍼링크 참조가 잘못되었습니다.** as closely as possible (e.g., the term 'loi organique' is always translated as 'organic law'). Furthermore, 'journal officielle' is translated as 'Official Journal', 'Cour des comptes' as 'Court of Auditors', 'Conseil constitutionnel' as 'Constitutional Council', 'Conseil d'État' as 'State Council', 'Conseil supYrieur de la magistrature' as 'High Council of the Judiciary', and 'Cour de cassation' as 'Court of Cassation'.
On 21 July 2008 the Congress passed the bill for the latest amendment to the French Constitution. This 24th amendment was one of the most comprehensive revisions in the history of the French Constitution and essentially provides three important novelties: (1) the institutional strengthening of the parliament (e.g. Art. [11](#A011_), [13](#A013_)); (2) a revision of statutes regarding the exercise of executive power (e.g. Art. [6](#A006_), [49](#A049_) [3]); (3) the extension of civil and political rights of the people (e.g. Art. [11](#A011_), [61-1](#A611_)).

Preamble

The French people hereby solemnly proclaim their dedication to the Rights of Man and the principle of national sovereignty as defined by the Declaration of 1789, reaffirmed and complemented by the Preamble to the 1946 Constitution, and to the rights and duties as defined in the Charter for the Environment of 2004.

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

[Title 0  Community]

Article 1  [State Principles]

(1) France is an indivisible, secular, democratic and social Republic. It ensures the equality of all citizens before the law, without distinction of origin, race or religion. It respects all beliefs. It is organized on a decentralized basis.

(2) The law promotes the equal access by women and men to elective offices and posts as well as to professional and social positions.

Title I  Sovereignty

Article 2  [State Form and Symbols]

(1) The language of the Republic is French.

(2) The national emblem is the blue, white, and red tricolor flag.

(3) The national anthem is the "Marseillaise".

(4) The Motto of the Republic is "Liberty, Equality, Fraternity".

(5) Its principle is government of the people, by the people, and for the people.

Article 3  [Electoral Rights]

(1) National sovereignty belongs to the people, who exercise it through their representatives and by means of referendums.

(2) No section of the people, nor any individual, may abrogate to themselves or to him or herself the exercise thereof.

(3) Suffrage may be direct or indirect under the terms stipulated by the Constitution. It is always universal, equal, and secret.

(4) All French citizens of both sexes who have attained their majority and enjoy civil and political rights may vote under the conditions determined by law.

Article 4  [Political Parties]

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

(2) They contribute to the implementation of the principle set out in the second paragraph of Article **오류! 하이퍼링크 참조가 잘못되었습니다.** as provided by statute.

(3) The law guarantees the pluralistic expression of opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

Title II  The President of the Republic

Article 5  [Presidential Office]

(1) The President of the Republic ensures compliance with the Constitution. He ensures, by his arbitration, both the proper functioning of the governmental authorities and the continuity of the State.

(2) He is the guarantor of national independence, the integrity of the territory, and observance of treaties.

Article 6  [Term of Presidency]

(1) The President of the Republic is elected for five years by direct universal suffrage.

(2) No one may carry out more than two consecutive terms of office.

(3) The procedures implementing this Article are laid down in an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Article 7  [Election of President]

(1) The President of the Republic is elected by an absolute majority of the votes cast. If this is not obtained on the first ballot, a second ballot takes place on the fourteenth day thereafter. Only the two candidates who have won the greatest number of votes in the first ballot may stand in it, after taking into account, if applicable, any withdrawals of candidates who have received a higher vote.

(2) Voting begins at the formal summons of the Government.

(3) The election of the new President takes place no less than twenty days and no more than thirty-five days before the expiry of the powers of the President in office.

(4) In the event of the Presidency of the Republic falling vacant for any cause whatsoever, or of an impediment being formally recorded by the Constitutional Council upon referral to it by the Government and ruling by an absolute majority of its members, the functions of the President of the Republic, with the exception of those laid down in Articles [11](#A011_) and **오류! 하이퍼링크 참조가 잘못되었습니다.** below, are temporarily exercised by the President of the Senate, or, if the latter is in his turn impeded from exercising these functions, by the Government. In the event of a vacancy, or when the impediment is declared permanent by the Constitutional Council, polling for the election of a new President takes place, except in cases of force majeure formally recognized by the Constitutional Council, no less than twenty days and no more than thirty-five days after the beginning of the vacancy or the declaration of the permanence of the impediment. If one of the persons who publicly announced their decision to stand for election less than thirty days before the final date for lodging the presentations of candidature dies or is otherwise prevented within seven days prior to that date, the Constitutional Council may decide to postpone the election.

(5) If one of the candidates dies or is otherwise prevented before the first ballot, the Constitutional Council postpones the election.

(6) Should one of the candidates heading the poll in the first ballot die or be otherwise prevented prior to any withdrawals, the Constitutional Council declares that the election procedure must be repeated in full; the same applies in the event of one of the candidates standing in the second ballot dying or being otherwise prevented.

(7) All cases are referred to the Constitutional Council in the manner set out in the second paragraph of Article **오류! 하이퍼링크 참조가 잘못되었습니다.** below or determined for the presentation of candidates in the **오류! 하이퍼링크 참조가 잘못되었습니다.** provided for in Article **오류! 하이퍼링크 참조가 잘못되었습니다.** above.

(8) The Constitutional Council may extend the periods stipulated in the third and fifth paragraphs, provided that polling takes place no later than thirty-five days after the Constitutional Council's decision. If implementation of the provisions of this paragraph results in the postponement of the election to a date after the expiry of the powers of the President in office, the latter remains in office until the proclamation of his successor.

(9) Neither Articles 9 and **오류! 하이퍼링크 참조가 잘못되었습니다.** nor Article **오류! 하이퍼링크 참조가 잘못되었습니다.** of the Constitution may be applied while the Presidency of the Republic is vacant, nor during the period between the declaration of the permanence of the impediment preventing the President of the Republic from discharging his duties and the election of his successor.

Article 8  [Prime Minister]

(1) The President of the Republic appoints the Prime Minister. He terminates that appointment when the latter tenders the resignation of the Government.

(2) On the proposal of the Prime Minister, he appoints the other members of the Government and terminates their appointments.

Article 9  [Council of Ministers]

The President of the Republic presides over the Council of Ministers.

Article 10  [Promulgation, Veto]

(1) The President of the Republic promulgates laws within fifteen days following the transmission to the Government of the said laws as finally adopted.

(2) He may, before expiry of this time limit, ask Parliament to reconsider a law or certain of its articles. This reconsideration may not be refused.

Article 11 [Referendum, Initiative]

(1) The President of the Republic may, on a proposal from the Government when Parliament is in session or on a joint motion of the two assemblies, published in either case in the official journal, submit to a referendum any government bill which deals with the organization of the public authorities, or with reforms relating to the economic, social, or environmental policy of the Nation and to the public services contributing thereto, or which provides for authorization to ratify a treaty that, although not contrary to the Constitution, would affect the functioning of the institutions.

(2) Where the referendum is held in response to a proposal by the Government, the latter makes a statement before each assembly, which is followed by a debate.

(3) A referendum concerning a subject mentioned in the first paragraph may be held upon the initiative of one fifth of the members of Parliament, supported by one tenth of the voters enrolled on the electoral lists. This initiative takes the form of a Private Members' Bill and may not be applied to the repeal of a legislative provision promulgated for less than one year.

(4) The conditions by which it is introduced and those, according to which the Constitutional Council monitors the respect of the provisions of the previous paragraph, are set down by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

If the Private Members' Bill has not been considered by the two Houses within a period set by the **오류! 하이퍼링크 참조가 잘못되었습니다.**, the President of the Republic may submit it to a referendum.

(5) Where the Private Members' Bill is not passed by the French people, no new referendum proposal on the same subject may be submitted before the end of a period of two years following the date of the vote.

(6) Where the outcome of the referendum is favorable to the Government Bill or to the Private Members' Bill, the President of the Republic promulgates the resulting statute within fifteen days following the proclamation of the results of the vote.

Article 12  [Dissolution of National Assembly]

(1) The President of the Republic may, after consultation with the Prime Minister and the Presidents of the Assemblies, pronounce the dissolution of the National Assembly. A General election takes place no less than twenty days and no more than forty days after the dissolution.

(2) The National Assembly meets *ipso jure* on the second Thursday following its election. If this meeting takes place outside the period prescribed for the ordinary session, a session is held *ipso jure* for a fifteen-day period.

(3) No further dissolution may take place within a year following this election.

Article 13  [Powers of President and Council of Ministers]

(1) The President of the Republic signs the ordinances and orders decided upon in the Council of Ministers.

(2) He makes appointments to the civil and military posts of the State.

(3) State Councillors, the High Chancellor of the Foreign Legion, Ambassadors and Envoys Extraordinary, Special Advisors of the Court of Auditors, Prefects, State Representatives in the Overseas Territories to which article **오류! 하이퍼링크 참조가 잘못되었습니다.** applies and in New Caledonia, General Officers, University Rectors and Directors of Central Administrations are appointed by the Council of Ministers.

(4) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the posts or positions, other than those mentioned in the third paragraph, concerning which, on account of their importance in the guarantee of the rights and freedoms or the economic and social life of the Nation, the power of appointment of the President of the Republic is exercised after public consultation with the relevant standing committee in each assembly. The President of the Republic may not make an appointment when the sum of the negative votes in each committee represents at least three fifths of the votes cast by the two committees. The law determines the relevant standing committees according to the posts or positions concerned.

Article 14  [Diplomatic Affairs]

The President of the Republic accredits Ambassadors and envoys extraordinary to foreign powers; foreign Ambassadors and envoys extraordinary are accredited to him.

Article 15  [Commander in Chief of Armed Forces]

The President of the Republic is commander-in-chief of the armed forces. He presides over the Higher National Defense councils and committees.

Article 16  [State of Emergency]

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

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

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

(4) Parliament meets *ipso jure*.

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

(6) After thirty days of the exercise of such emergency powers, the matter may be referred to the Constitutional Council by the President of the National Assembly, the President of the Senate, sixty Members of the National Assembly or sixty Senators, so as to decide if the conditions laid down in paragraph one still apply. It makes its decision by public announcement as soon as possible. It carries out *ipso jure* such an examination and makes its decision in the same manner after sixty days of the exercise of emergency powers or at any moment thereafter.

Article 17  [Right of Pardon]

The President of the Republic has the right of pardon in an individual capacity.

Article 18  [Messages to Parliament]

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

(2) He may take the floor before Parliament convened in Congress for this purpose. His statement may give rise, in his absence, to a debate without vote.

(3) Between sessions, the Houses of Parliament are to be convened especially for this purpose.

Article 19  [Countersignature of Prime Minister]

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

Title III  The Government

Article 20  [Governmental Functions]

(1) The Government determines and conducts the policy of the nation.

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

(3) It is responsible to Parliament under the conditions and in accordance with the procedures stipulated in Articles **오류! 하이퍼링크 참조가 잘못되었습니다.** and **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Article 21  [Head of Government]

(1) The Prime Minister directs the conduct of government affairs. He is responsible for national defense. He ensures the implementation of legislation. Subject to the provisions of Article 13, he exercises the power to make regulations and to make appointments to civil and military posts.

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

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

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

Article 22  [Countersignature of Ministers]

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

Article 23  [Incompatibility]

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

(2) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the conditions under which the holders of such mandates, offices, or employment are replaced.

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

Title IV  Parliament

Article 24  [National Assembly, Senate]

(1) Parliament passes statutes. It monitors the action of the Government. It assesses public policies.

(2) It comprises the National Assembly and the Senate.

(3) Members of the National Assembly, whose number must not exceed five hundred and seventy-seven, are elected by direct suffrage.

(4) The Senate, whose members must not exceed three hundred and forty-eight, is elected by indirect suffrage. The Senate ensures the representation of the territorial communities of the Republic.

(5) French Nationals living abroad are represented in the National Assembly and in the Senate.

Article 25  [Election Act]

(1) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the term for which each Assembly is elected, the number of its members, their emoluments, the conditions of eligibility and ineligibility, and the offices incompatible with membership of the Assemblies.

(2) It likewise determines the manner of election of those persons called upon to replace Members of the National Assembly or Senators whose seats have become vacant, until the general or partial renewal by election of the House in which they sat, or have been temporarily replaced on account of having accepted a governmental position.

(3) An independent commission, whose composition and rules of organization and operation is set down by statute, expresses an opinion, by public announcement, on the Government and Private Members' Bills defining the constituencies for the election of members of the National Assembly, or modifying the distribution of the seats of members of the National Assembly or of Senators.

Article 26  [Indemnity, Immunity]

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

(2) No Member of Parliament may be arrested for a serious crime or other major offence, nor may he be subjected to any other custodial or semi-custodial measure, without the authorization of the Bureau of the assembly of which he is a member. Such authorization is not be required in the case of a serious crime or other major offence committed flagrante delicto or a final sentence.

(3) The detention, subjection to custodial or semi-custodial measures, or prosecution of a Member of Parliament may be suspended for the duration of the session if the assembly of which he is a member so requires.

(4) The assembly concerned convenes *ipso jure* for additional sittings in order to permit the preceding paragraph to be applied should circumstances so require.

Article 27  [Unrestricted Decisions]

(1) All mandatory instructions are null and void.

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

(3) An **오류! 하이퍼링크 참조가 잘못되었습니다.** may, exceptionally, authorize the delegation of a vote. In this case, no member may be delegated to cast more than one vote.

Article 28  [Ordinary Sessions]

(1) Parliament convenes *ipso jure* in one ordinary session that starts on the first working day of October and ends on the last working day of June.

(2) The number of days for which each assembly may sit during the ordinary session may not exceed one hundred and twenty. The sitting weeks are determined by each assembly.

(3) The Prime Minister, after consulting the President of the assembly concerned, or the majority of the members of each assembly may decide to meet for additional sitting days.

(3) The days and hours of sittings are determined by the rules of procedure of each assembly.

Article 29  [Extraordinary Sessions]

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

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

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

Article 30  [Opening and Closing Procedure]

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

Article 31  [Presence of Government]

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

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

Article 32  [Presidents of National Assembly and Senate]

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

Article 33  [Publicity]

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

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

Title V  Relations Between Parliament and Government

Article 34  [Legislative Powers]

(1) The law determines the rules regarding:
- civic rights and the fundamental guarantees granted to citizens for the exercise of their civil liberties; freedom, pluralism and the independence of the media; the obligations imposed for the purposes of national defense upon the person and property of citizens;
- nationality, the status and capacity of persons, matrimonial property systems, inheritance and gifts;
- the determination of serious crimes and other major offences and the penalties they carry; criminal procedure; amnesty; the setting up of new categories of courts and the status of members of the Judiciary;

- the base, rates, and methods of collection of all types of taxes; the issuing of currency.

(2) The law also determines the rules regarding:

- the system for electing members of the Houses of Parliament, local assemblies and the representative bodies for French nationals living abroad, as well as the conditions for holding elective offices and positions for the members of the deliberative assemblies of the territorial communities;
- the setting up of categories of public legal entities;
- the fundamental guarantees granted to civil servants and members of the Armed Forces;
- nationalization of companies and the transfer of ownership of companies from the public to the private sector.

(3) The law Statutes determines the basic principles of:

- the general organization of national defense;
- the self-government of territorial communities, their powers and revenue;
- education;
- the preservation of the environment;
- systems of ownership, property rights and civil and commercial obligations;
- employment law, trade union law, and social security.

(4) Finance Acts determine the revenue and expenditure of the State in the conditions and with the reservations provided for by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(5) Social Security Financing Acts lay down the general conditions for the financial equilibrium thereof, and taking into account forecasted revenue, determine expenditure targets in the conditions and with the reservations provided for by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(6) Programming Acts determine the objectives of the action of the State.

(7) The multiannual guidelines for public finances are established by Programming Acts. They are part of the objective of balanced accounts for public administrations.

(8) The provisions of this article may be further specified and completed by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Article 34-1  [Resolutions]

(1) The Houses of Parliament may adopt resolutions according to the conditions determined by the **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(2) Any draft resolution, whose adoption or rejection would be considered by the Government as an issue of confidence, or which contained an injunction to the Government, is inadmissible and may not be included on the agenda.

Article 35  [War and Intervention of Armed Forces]

(1) A declaration of war must be authorized by Parliament.

(2) The Government informs Parliament of its decision to have the armed forces intervene abroad, at the latest three days after the beginning of said intervention. It details the objectives of said intervention. This information may give rise to a debate, which is not followed by a vote.

(3) Where the duration of the intervention exceeds four months, the Government submits its extension to Parliament for authorization. It may ask the National Assembly to make the final decision.

(4) If Parliament is not sitting at the end of the four-month period, it expresses its decision at the opening of the following session.

Article 36  [Declaration of Martial War]

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

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

Article 37  [Regulation]

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

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

Article 37-1 [Experimental Provisions]

Statutes and regulations may contain provisions enacted on an experimental basis for limited purposes and duration.

Article 38  [Ordinances]

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

(2) Ordinances are enacted in meetings of the Council of Ministers after consultation with the State Council. They come into force upon their publication, but become null and void if the bill for their ratification is not submitted to Parliament before the date set by the enabling act. They may only be ratified in explicit terms.

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

Article 39  [Right to Initiative]

(1) The Prime Minister and Members of Parliament have the right to initiate legislation.

(2) Government Bills are discussed in the Council of Ministers after consultation with the State Council and are tabled in one or other of the two Houses. Finance Bills and Social Security Financing Bills are tabled first before the National Assembly. Without prejudice to the first paragraph of article 44, Bills primarily dealing with the organization of territorial communities are tabled first in the Senate.

(3) The presentation of Government Bills tabled before the National Assembly or the Senate, follows the conditions determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(4) Government Bills may not be included on the agenda if the Conference of Presidents of the first House to which the bill has been referred, declares that the rules determined by the **오류! 하이퍼링크 참조가 잘못되었습니다.** have been ignored. In the case of disagreement between the Conference of Presidents and the Government, the President of the relevant House or the Prime Minister may refer the matter to the Constitutional Council, which rules within a period of eight days.

(5) Within the conditions provided for by statute, the President of either House may submit a Private Members' Bill tabled by a member of the said House, before it is considered in committee, to the State Council for its opinion, unless the member who tabled it disagrees.

Article 40  [Private Members' Bills]

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

Article 41  [Declaration of Inadmissibility]

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

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

Article 42  [Discussion of Bills]

(1) The discussion of Government and Private Members' Bills, in plenary sitting, concerns the text passed by the committee to which the Bill has been referred, in accordance with article 43, or failing that, the text which has been referred to the House.

(2) Notwithstanding the foregoing, the plenary discussion of Constitutional Revision Bills, Finance Bills, and Social Security Financing Bills, concerns, during the first reading before the House to which the Bill has been referred in the first instance, the text presented by the Government, and during the subsequent readings, the text transmitted by the other House.

(3) The plenary discussion at first reading of a Government or Private Members' Bill may only occur before the first House to which it is referred, at the end of a period of six weeks after it has been tabled. It may only occur, before the second House to which it is referred, at the end of a period of four weeks, from the date of transmission.

(4) The previous paragraph does not apply if the accelerated procedure has been implemented according to the conditions provided for in article 45. It does not apply either to Finance Bills, Social Security Financing Bills, or to bills concerning a state of emergency.

Article 43  [Referral to Committees]

(1) Government and Private Members' Bills are referred to one of the standing committees, the number of which does not exceed eight in each House.

(2) At the request of the Government or of the House before which such a Bill has been tabled, Government and Private Members' Bills are referred for consideration to a committee specially set up for this purpose.

Article 44  [Altering Bills]

(1) Members of Parliament and the Government have the right of amendment. This right may be used in plenary sitting or in committee under the conditions set down by the Rules of Procedure of the Houses, according to the framework determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

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

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

Article 45  [Legislative Conflicts]

(1) Every Government or Private Member's Bill is considered successively in the two Houses of Parliament with a view to the passing of an identical text. Without prejudice to the application of articles 40 and 41, all amendments which have a link, even an indirect one, with the text that was tabled or transmitted, are admissible on first reading.

(2) If, as a result of a failure to agree by the two Houses, it has proved impossible to pass a Government or Private Member's Bill after two readings by each House or, if the Government has decided to apply the accelerated procedure without the two Conferences of Presidents being jointly opposed, after a single reading of such Bill by each House, the Prime Minister, or in the case of a Private Members' Bill, the Presidents of the two Houses acting jointly, may convene a joint committee, composed of an equal number of members from each House, to propose a text on the provisions still under debate.

(3) The text drafted by the joint committee may be submitted by the Government to both Houses for approval. No amendment is admissible without the consent of the Government.

(4) If the joint committee fails to agree on a common text, or if the text is not passed as provided in the foregoing paragraph, the Government may, after a further reading by the National Assembly and by the Senate, ask the National Assembly to reach a final decision. In such an event, the National Assembly may reconsider either the text drafted by the joint committee, or the last text passed by itself, as modified, as the case may be, by any amendments passed by the Senate.

Article 46  [Legislative Procedures for Organic Laws]

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

(2) The Government or Private Member's Bill may only be submitted, on first reading, to the consideration and vote of the Houses after the expiry of the periods set down in the third paragraph of article 42. Notwithstanding the foregoing, if the accelerated procedure has been applied according to the conditions provided for in article 45, the Government or Private Member's Bill may not be submitted for consideration by the first House to which it is referred before the expiry of a fifteen-day period after it has been tabled.

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

(4) **오류! 하이퍼링크 참조가 잘못되었습니다.** relating to the Senate must be passed in the same wording by the two Assemblies.

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

Article 47  [Finance Bill Procedures]

(1) Parliament passes finance bills under the conditions stipulated by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

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

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

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

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

Article 47-1 [Social Security Finance Bill Procedures]

(1) Parliament passes social security finance bills in the manner provided by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(2) Should the National Assembly fail to reach a decision on first reading within twenty days following the introduction of a bill, the Government refers the bill to the Senate, which must rule within fifteen days. The procedure set out in article 45 then applies.

(3) Should Parliament fail to reach a decision within fifty days, the provisions of the bill may be implemented by ordinance.

(4) The time limits set by this article is suspended when Parliament is not in session and, as regards each assembly, during the weeks when it has decided not to sit in accordance with the second paragraph of article **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Article 47-2 [Court of Auditors]

(1) The Court of Auditors assists Parliament in monitoring Government action. It assists the Parliament and the Government in monitoring the implementation of Finance Acts and Social Security Financing Acts, as well in assessing public policies. By means of its public reports, it contributes to informing citizens.

(2) The accounts of public administrations must be lawful and faithful. They have to provide a true and fair view of the result of the management, assets, and financial situation of the said public administrations.

Article 48  [Order of Deliberation]

(1) Without prejudice to the application of the last three paragraphs of article **오류! 하이퍼링크 참조가 잘못되었습니다.**, the agenda is determined by each House.

(2) During two weeks of sittings out of four, priority is given, in the order determined by the Government, to the consideration of texts and to debates which it requests to be included on the agenda.

(3) In addition, the consideration of Finance Bills, Social Security Financing Bills, and, subject to the provisions of the following paragraph, texts transmitted by the other House at least six weeks previously, as well as bills concerning a state of emergency and requests for authorization referred to in article **오류! 하이퍼링크 참조가 잘못되었습니다.**, are, upon Government request, included on the agenda with priority.

(4) During one week of sittings out of four, priority is given, in the order determined by each House, to the monitoring of Government action and to the assessment of public policies.

(5) One day of sitting per month is given to an agenda determined by each House upon the initiative of the opposition groups in the relevant House, as well as upon that of the minority groups.

(6) During at least one sitting per week, including during the extraordinary sittings provided for in article **오류! 하이퍼링크 참조가 잘못되었습니다.**, priority is given to questions from Members of Parliament and to answers from the Government.

Article 49  [Policy Discussions, Motion of Censure]

(1) The Prime Minister, after deliberation by the Council of Ministers, may make the Government's program or possibly a general policy statement an issue of a vote of confidence before the National Assembly.

(2) The National Assembly may call the Government to account by passing a resolution of no-confidence. Such a resolution is not admissible unless it is signed by at least one tenth of the members of the National Assembly. Voting may not take place within forty-eight hours after the resolution has been tabled. Solely votes cast in favor of the no-confidence resolution are counted and the latter are not passed unless it secures a majority of the Members of the House. Except as provided for in the following paragraph, no Member may sign more than three resolutions of no-confidence during a single ordinary session and no more than one during a single extraordinary session.

(3) The Prime Minister may, after deliberation by the Council of Ministers, make the passing of a Finance Bill or Social Security Financing Bill an issue of a vote of confidence before the National Assembly. In that event, the Bill is considered passed unless a resolution of no-confidence, tabled within the subsequent twenty-four hours, is carried as provided for in the foregoing paragraph. In addition, the Prime Minister may use the said procedure for one other Government or Private Members' Bill per session.

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

Article 50  [Resignation of Government]

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

Article 50-1  [Declarations of Government]

The Government may, before either House, upon its own initiative or upon the request of a political group, as set down in article 51-1, make a declaration on a given subject, which leads to a debate and, if it so desires, gives rise to a vote, without making it an issue of confidence.

Article 51 [Postponement of Sessions]

(1) The closing of ordinary or extraordinary sessions is postponed *ipso jure* in order to permit the application of article 49, if the case arises. Additional sittings are held *ipso jure* for the same purpose.

(2) Treaties or agreements duly ratified or approved prevail, upon publication, over Acts of Parliament, subject, in regard to each agreement or treaty, to its application by the other party.

Article 51-1 [Opposition]

The Rules of Procedure of each House determine the rights of the parliamentary groups set up within it. They recognize that opposition groups in the House concerned, as well as minority groups, have specific rights.

Article 51-2 [Committees of Inquiry]

(1) In order to implement the monitoring and assessment missions laid down in the first paragraph of article **오류! 하이퍼링크 참조가 잘못되었습니다.**, committees of inquiry may be set up within each House to gather information, according to the conditions provided for by statute.

(2) The law determines their rules of organization and operation. The conditions for their establishment are determined by the Rules of Procedure of each House.

Title VI  Treaties and International Agreements

Article 52  [President's Powers]

(1) The President of the Republic negotiates and ratifies treaties.

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

Article 53  [Important Treaties]

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

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

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

Article 53-1 [Asylum Treaties]

(1) The Republic may conclude, with European States that are bound by commitments identical with its own in the matter of asylum and the protection of human rights and fundamental freedoms, agreements determining their respective jurisdiction in regard to the consideration of requests for asylum submitted to them.

(2) However, even if the request does not fall within their jurisdiction under the terms of these agreements, the authorities of the Republic remain empowered to grant asylum to any foreigner who is persecuted for his action in pursuit of freedom or who seeks the protection of France for some other reason.

Article 53-2 [International Criminal Court]

The Republic may recognize the jurisdiction of the International Criminal Court as provided by the treaty signed on 18 July 1998.

Article 54 [Primacy of Constitution]

If the Constitutional Council, on a reference from the President of the Republic, from the Prime Minister, from the President of one or the other assembly, or from sixty deputies or sixty senators, has declared that an international commitment contains a clause contrary to the Constitution, authorization to ratify or approve the international commitment in question may be given only after amendment of the Constitution.

Article 55  [Force of Law, Principle of Reciprocity]

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

Title VII  The Constitutional Council

Article 56  [Membership]

(1) The Constitutional Council consists of nine members, whose term of office lasts nine years and is not renewable. One third of the membership of the Constitutional Council is renewed every three years. Three of its members are appointed by the President of the Republic, three by the President of the National Assembly, three by the President of the Senate. The procedure provided for in the last paragraph of article **오류! 하이퍼링크 참조가 잘못되었습니다.** is applied to these appointments. The appointments made by the President of each House are submitted for consultation only to the relevant standing committee in that House.

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

(3) The President is appointed by the President of the Republic. He has the casting vote in the event of a tie.

Article 57  [Incompatibility]

The office of member of the Constitutional Council is incompatible with that of minister or member of Parliament. Other incompatibilities are determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Article 58  [Control of Presidential Elections]

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

(2) It examines complaints and proclaims the results of the vote.

Article 59  [Control of Assembly Elections]

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

Article 60  [Control of Referendums]

The Constitutional Council ensures the proper conduct of referendum proceedings as provided for in articles **오류! 하이퍼링크 참조가 잘못되었습니다.** and **오류! 하이퍼링크 참조가 잘못되었습니다.** and in Title **오류! 하이퍼링크 참조가 잘못되었습니다.** and proclaim the results thereof.

Article 61  [Control of Parliamentary Acts]

(1) **오류! 하이퍼링크 참조가 잘못되었습니다.**, before their promulgation, Private Members' Bills mentioned in article 11 before they are submitted to referendum, and standing orders of the parliamentary Assemblies, before their implementation, must be submitted to the Constitutional Council which rules on their constitutionality.

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

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

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

Article 61-1  [Judicial Review]

(1) If, during proceedings in progress before a court of law, it is claimed that a legislative provision infringes the rights and freedoms guaranteed by the Constitution, the matter may be referred by the State Council or by the Court of Cassation to the Constitutional Council which rules within a determined period.

(2) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the conditions for the application of the present article.

Article 62  [Unconstitutional Laws Are Void]

(1) A provision declared unconstitutional on the basis of article 61 may neither be promulgated nor implemented.

(2) A provision declared unconstitutional on the basis of article 61-1 is repealed as of the publication of the said decision of the Constitutional Council or as of a subsequent date determined by said decision. The Constitutional Council determines the conditions and the limits according to which the effects produced by the provision are subject to revision.

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

Article 63  [Rules of Procedure]

An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the organizational and operational rules of the Constitutional Council, the procedure to be followed before it, and in particular the periods of time allowed for referring disputes to it.

Title VIII  The Judiciary

Article 64  [Independence]

(1) The President of the Republic is the guarantor of the independence of the Judiciary.

(2) He is assisted by the Superior Council of Magistracy.

(3) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the status of members of the Judiciary.

(4) Judges may not be removed from office.

Article 65  [High Council of the Judiciary]

(1) The High Council of the Judiciary consists of a section with jurisdiction over judges and a section with jurisdiction over public prosecutors.

(2) The section with jurisdiction over judges is presided over by the Chief President of the Court of Cassation. It comprises, in addition, five judges and one public prosecutor, one state councilor appointed by the State Council, and one barrister, as well as six qualified, prominent citizens who are not members of Parliament, of the Judiciary, or of administration. The President of the Republic, the President of the National Assembly and the President of the Senate each appoint two qualified, prominent citizens. The procedure provided for in the last paragraph of article **오류! 하이퍼링크 참조가 잘못되었습니다.** applies to the appointments of the qualified, prominent citizens. The appointments made by the President of each House of Parliament are submitted for consultation only to the relevant standing committee in that House.

(3) The section with jurisdiction over public prosecutors is presided over by the Chief Public Prosecutor at the Court of Cassation. It comprises, in addition, five public prosecutors and one judge, as well as the state councilor and the barrister, together with the six qualified, prominent citizens referred to in the second paragraph.

(4) The section of the High Council of the Judiciary with jurisdiction over judges makes recommendations for the appointment of judges to the Court of Cassation, the Chief Presidents of Courts of Appeal, and the Presidents of the regional courts. Other judges are appointed after consultation with this section.

(5) The section of the High Council of the Judiciary with jurisdiction over public prosecutors gives its opinion on the appointment of public prosecutors.

(6) The section of the High Council of the Judiciary with jurisdiction over judges acts as disciplinary tribunal for judges. When acting in such capacity, in addition to the members mentioned in the second paragraph, it comprises the judge belonging to the section with jurisdiction over public prosecutors.

(7) The section of the High Council of the Judiciary with jurisdiction over public prosecutors gives its opinion on disciplinary measures regarding public prosecutors. When acting in such capacity, it comprises, in addition to the members mentioned in paragraph three, the public prosecutor belonging to the section with jurisdiction over judges.

(8) The High Council of the Judiciary meets in plenary section to reply to the requests for opinions made by the President of the Republic in application of article 64. It also expresses its opinion in plenary section, on questions concerning the deontology of judges or on any question concerning the operation of justice that is referred to it by the Minister of Justice. The plenary section comprises three of the five judges mentioned in the second paragraph, three of the five prosecutors mentioned in the third paragraph as well as the State Council, the barrister and the six qualified, prominent citizens referred to in the second paragraph. It is presided over by the Chief President of the Court of Cassation who may be substituted by the Chief Public Prosecutor of this court.

(9) The Minister of Justice may participate in all the sittings of the sections of the High Council of the Judiciary except those concerning disciplinary matters.

(10) According to the conditions determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**, a referral may be made to the High Council of the Judiciary by a person subject to trial.

(11) The **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the manner in which this article is to be implemented.

Article 66  [Personal Freedom]

(1) No one may be arbitrarily detained.

(2) The Judiciary, guardian of individual liberty, enforces this principle under the conditions stipulated by legislation.

Article 66-1 [Prohibition of Death Penalty]

No one may be sentenced to death.

Title IX  The High Court of Justice

Article 67 [Liability of President]

(1) The President of the Republic incurs no liability by reason of acts carried out in this official capacity, subject to the provisions of Articles **오류! 하이퍼링크 참조가 잘못되었습니다.** and 68 hereof.

(2) Throughout his term of office, the President is not required to testify and is not subjected to any criminal or civil proceedings, nor to any preferring of charges or investigatory measures. All limitation periods are suspended for the duration of said term of office.

(3) All actions and proceedings thus stayed may be reactivated or brought against the President no sooner than one month after the end of his term of office.

Article 68 [Convocation Procedure]

(1) The President of the Republic cannot be removed from office during the term thereof on any grounds other than a breach of his duties patently incompatible with his continuing in office. Such removal from office is proclaimed by Parliament sitting as the High Court.

(2) The proposal to convene the High Court adopted by one of the two Houses of Parliament is immediately transmitted to the other House, which makes its decision known within fifteen days of the receipt thereof.

(3) The High Court is presided by the President of the National Assembly. It gives its ruling as to the removal from office of the President, by secret ballot, within one month. Its ruling takes effect immediately.

(4) Rulings given hereunder require a majority of two thirds of the members of the House involved or of the High Court. No proxy voting is allowed. Only votes in favor of the removal from office or the convening of the High Court are counted.

(5) An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the conditions for the application hereof.

Title X  The Criminal Liability of Members of the Government

Article 68-1 [Liability of Government]

(1) Members of the Government are criminally liable for acts performed in the exercise of their duties and classified as serious crimes or other major offences at the time they were committed.

(2) They are tried by the Court of Justice of the Republic.

(3) The Court of Justice of the Republic is bound by such definition of serious crimes and other major offences and such determination of penalties as are laid down by statute.

Article 68-2 [Membership of Court of Justice]

(1) The Court of Justice of the Republic consists of fifteen members: twelve Members of Parliament, elected in equal number from among their ranks by the National Assembly and the Senate after each general or partial renewal by election of these assemblies, and three judges of the Court of Cassation, one of whom presides over the Court of Justice of the Republic.

(2) Any person claiming to be a victim of a serious crime or other major offence committed by a member of the Government in the exercise of his duties may lodge a complaint with a petitions committee.

(3) This committee orders the case to be either closed or forwarded to the chief public prosecutor at the Court of Cassation for referral to the Court of Justice of the Republic.

(4) The chief public prosecutor at the Court of Cassation may also make a reference *ex officio* to the Court of Justice of the Republic with the assent of the petitions committee. An **오류! 하이퍼링크 참조가 잘못되었습니다.** determines the manner in which this article is to be implemented.

Article 68-3 [Application]

The provisions of this title apply to acts committed before they entry into force.

Title XI  The Economic, Social, and Environmental Council

Article 69  [Opinion on Bills]

(1) The Economic, Social, and Environmental Council, on a referral from the Government, gives its opinion on such Government Bills, draft Ordinances, draft Decrees, and Private Members' Bills as have been submitted to it.

(2) A member of the Economic, Social, and Environmental Council may be designated by the Council to present, to the Houses of Parliament, the opinion of the Council on such drafts, Government or Private Members' Bills as have been submitted to it.

(3) A referral may be made to the Economic, Social, and Environmental Council by petition, in the manner determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**. After consideration of the petition, it informs the Government and Parliament of the pursuant action it proposes.

Article 70  [Consultation]

The Economic, Social, and Environmental Council may also be consulted by the Government or Parliament on any economic, social, or environmental issue. The Government may also consult it on Programming Bills setting down the multiannual guidelines for public finances. Any plan or Programming Bill of an economic, social or environmental nature is submitted to it for its opinion.

Article 71  [Membership]

The composition of the Economic, Social, and Environmental Council, which must not exceed two hundred and thirty-three members, and its rules of procedure are determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

Title XI bis  Defender of Rights

Article 71-1 [Defender of Rights]

(1) The Defender of Rights ensures the due respect of rights and freedoms by state administrations, territorial communities, public legal entities, as well as by all bodies carrying out a public service mission or by those that the **오류! 하이퍼링크 참조가 잘못되었습니다.** decides fall within his remit.

(2) Referral may be made to the Defender of Rights, in the manner determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.**, by every person who considers his rights to have been infringed by the operation of a public service or of a body mentioned in the first paragraph. He may act without referral.

(3) The **오류! 하이퍼링크 참조가 잘못되었습니다.** sets down the mechanisms for action and powers of the Defender of Rights. It determines the manner in which he may be assisted by third parties in the exercise of certain of his powers.

(4) The Defender of Rights is appointed by the President of the Republic for a six-year, non-renewable term, after the application of the procedure provided for in the last paragraph of article **오류! 하이퍼링크 참조가 잘못되었습니다.**. This position is incompatible with membership of the Government or membership of Parliament. Other incompatibilities are determined by the **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(5) The Defender of Rights is accountable for his actions to the President of the Republic and to Parliament.

Title XII  Territorial Entities

Article 72 [Definition and Competences]

(1) The territorial units of the Republic are the communes, the departments, the regions, the special-status areas, and the overseas territories to which article 74 applies. Any other territorial unit is established by statute, in appropriate cases in place of one or more units provided for by this paragraph.

(2) Territorial units may take decisions in all matters that are within powers that can best be exercised at their level.

(3) In the manner provided by statute, these units are self-governing through elected councils and have power to make regulations.

(4) In the manner provided by **오류! 하이퍼링크 참조가 잘못되었습니다.**, where the essential conditions for the exercise of public liberties or of a right secured by the Constitution are not affected, territorial units or associations thereof may, where provision is made by statute or regulation, as the case may be, derogate on an experimental basis for limited purposes and duration from provisions laid down by statute or regulation governing the exercise of their powers.

(5) No territorial unit may exercise authority over another. However, where the exercise of a power requires the combined action of several territorial units, one of those units or one of their associations may be authorized by statute to organize their joint action.

(6) In the territorial units of the Republic, the State representative, representing each of the Members of the Government, is responsible for national interests, administrative supervision, and the observance of the law.

Article 72-1 [Consultation of Voters]

(1) The conditions in which voters in each territorial unit may use their right of petition to ask for a matter within the powers of the unit to be entered on the agenda of its decision-making assembly are determined by statute.

(2) In the conditions determined by **오류! 하이퍼링크 참조가 잘못되었습니다.**, draft decisions, or acts within the powers of a territorial unit may, on its initiative, be presented for a decision to be taken by the voters in that unit by referendum.

(3) Where there is a proposal to establish a special-status territorial unit or to modify its organization, a decision may be taken by statute to consult the voters registered in the relevant units. Voters may also be consulted on changes to the boundaries of territorial units in the conditions determined by statute.

Article 72-2 [Resources]

(1) Territorial units enjoy resources of which they may dispose freely on the conditions determined by statute.

(2) They may receive all or part of the proceeds of taxes of all kinds. They may be authorized by statute to determine the basis of assessment and the rates, within the limits set by such statutes.

(3) The tax revenue and other own resources of territorial units, for each category of territorial unit, represents a decisive share of their resources. The conditions for the implementation of this rule are determined by **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(4) Whenever powers are transferred between central government and the territorial units, resources equivalent to those, which were devoted to the exercise of these powers, are also transferred. Wherever the effect of powers newly created or extended is to increase the expenditure to be borne by territorial units, resources determined by statute are allocated.

(5) Equalization mechanisms to promote equality between territorial units are provided for by statute.

Article 72-3 [Statute of Oversea Territories]

(1) The Republic recognizes the overseas populations within the French people in a common ideal of freedom, equality, and fraternity.

(2) Guadeloupe, Guyane, Martinique, La RYunion, Mayotte, Saint-BarthYlemy, Saint-Martin, Saint-Pierre-et-Miquelon, the Wallis and Futuna Islands, and French Polynesia are governed by article 73 for the overseas departments and regions and for the territorial units established by virtue of the final paragraph of article 73, and by article 74 for the other units.

(3) The status of New Caledonia is governed by title **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(4) The legislative system and special organization of the French Southern and Antarctic Territories and Clipperton are determined by statute.

Article 72-4 [Change of Status]

(1) There may be no change for all or part of one of the units to which the second paragraph of article 72-3 applies, from one to another of the statuses provided for by articles 73 and 74, without the prior consent of voters in the relevant unit or part of a unit being sought in the manner provided for by the paragraph below. Such change of status is made by **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(2) The President of the Republic may, on a proposal from the Government when Parliament is in session or on a joint motion of the two assemblies, published in either case in the official journal, decide to consult voters in an overseas territorial unit on a question relating to its organization, its powers or its legislative system. Where the referendum concerns a change as provided for by the foregoing paragraph and is held in response to a proposal by the Government, the Government makes a statement before each assembly, which is followed by a debate.

Article 73 [Adaptation of Regulations]

(1) In the overseas departments and regions, statutes and regulations are automatically applicable. They may be adapted in the light of the specific characteristics and constraints of those units.

(2) Those adaptations may be decided on by the units in areas in which their powers are exercised if the relevant units have been empowered to that end by statute or by regulation, whichever is the case.

(3) By way of derogation from the first paragraph and in order to take account of their specific features, units to which this article applies may be empowered by statute or by regulation, whichever is the case, to determine themselves the rules applicable in their territory in a limited number of matters that fall to be determined by statute or by regulation.

(4) These rules may not concern nationality, civic rights, the guarantees of public liberties, the status and capacity of persons, the organization of justice, criminal law, criminal procedure, foreign policy, defense, public security and public order, currency, credit and exchange, or electoral law. This enumeration may be clarified and amplified by an **오류! 하이퍼링크 참조가 잘못되었습니다.**.

(5) The two foregoing paragraphs do not apply in the department and region of La RYunion.

(6) The powers to be conferred pursuant to the second and third paragraphs are decided on at the request of the relevant territorial unit in the conditions and subject to the reservations provided for by an **오류! 하이퍼링크 참조가 잘못되었습니다.**. They may not be conferred where the essential conditions for the exercise of public liberties or of a right secured by the Constitution are affected.

(7) A territorial unit taking the place of an overseas department and region or a single decision-making assembly for the two units may not be established by statute unless the consent of the voters registered there has first been sought as provided by the second paragraph of article 72-4.

Article 74 [Status]

(1) The overseas territorial units to which this article applies have a status reflecting their respective local interests within the Republic.

(2) This status is determined by an **오류! 하이퍼링크 참조가 잘못되었습니다.** adopted after the opinion of the decision-making assembly has been received and specifying:

- the conditions in which statutes and regulations apply there;

- the powers of the territorial unit; subject to those already exercised by it, the transfer of central government powers may not relate to the matters listed in the fourth paragraph of article 73, as specified and amplified by the **오류! 하이퍼링크 참조가 잘못되었습니다.** therein referred to;

- the rules governing the organization and operation of the institutions of the territorial unit and the electoral system for its decision-making assembly;

- the conditions in which its institutions are consulted on Government or Members' bills and draft ordinances or decrees containing provisions relating specifically to the unit and to the ratification or approval of international commitments entered into in matters within its powers.

(3) The **오류! 하이퍼링크 참조가 잘못되었습니다.** may also, for such territorial units that are granted with autonomy, determine the conditions in which:

- the Council of State exercises specific judicial review of certain categories of acts adopted by the decision-making assembly in matters that are within its powers in the areas reserved by statute;

- the decision-making assembly may amend a statute promulgated after the entry into force of the territorial unit's new status, where the Constitutional Council, acting notably on a referral from the authorities of the territorial unit, has confirmed that the statute governs matters that are within the powers of the relevant unit;

- measures justified by local needs may be taken by the territorial unit in favor of its population as regards access to employment, the right of establishment for the exercise of a professional activity or the protection of the land;

- the unit may, subject to review by the central government, participate in exercise of the powers that it retains, in full respect for the guaranties given throughout national territory for the exercise of public liberties.

(4) The other rules governing the specific organization of the territorial units to which this article applies are determined and amended by statute after consultation with their decision-making assembly.

Article 74-1 [Extension of Statutes]

(1) In the Overseas territorial communities referred to by Article 74 and in New Caledonia, the Government may, in matters which remain within its power, extend by Ordinance, with any necessary adaptations, the legislative provisions applying in mainland France, or adapt the legislative provisions applying, to the specific organization of the community in question, provided statute law has not expressly excluded the use of this procedure for the provisions involved.

(2) Such ordinances are issued in the Council of Ministers after receiving the opinion of the relevant decision-making assemblies and the Council of State. They enter into force upon publication. They lapse if they are not ratified by Parliament within eighteen months following their publication.

Article 75  [Civil Status]

Citizens of the Republic who do not have ordinary civil status as referred to in Article **오류! 하이퍼링크 참조가 잘못되었습니다.** retain their personal status as long as they have not renounced it.

Article 75-1  [Regional Languages]

Regional languages are part of France's heritage.

Title XIII  Transitional provisions relating to New Caledonia

Article 76 [Vote on Agreement]

(1) The population of New Caledonia is called upon to vote by 31 December 1998 on the provisions of the agreement signed at NoumYa on 5 May 1998, which was published in the Official Journal of the French Republic on 27 May 1998.

(2) Persons satisfying the requirements laid down in article 2 of Act No. 88-1028 of 9 November 1988 are eligible to take part in the vote.

(3) The measures required to organize the ballot is taken by decree adopted after consultation with the State Council and discussion in the Council of Ministers.

Article 77 [Status]

(1) After approval of the agreement by the vote provided for in article 76, the **오류! 하이퍼링크 참조가 잘못되었습니다.** passed after consultation with the deliberative assembly of New Caledonia determines, in order to ensure the development of New Caledonia in accordance with the guidelines set out in that agreement and as required for its implementation:

- the powers of the State which are to be transferred definitively to the institutions of New Caledonia, at what time and in what manner such transfers are to be made, and how the costs incurred thereby are to be apportioned;

- the rules for the organization and operation of the institutions of New Caledonia, notably the circumstances in which certain kinds of instrument passed by the deliberative assembly of New Caledonia may be referred to the Constitutional Council for review before publication;

- the rules concerning citizenship, the electoral system, employment, and personal status as laid down by customary law;

- the circumstances and the time limits within which the population concerned in New Caledonia is to vote on the attainment of full sovereignty.

- Any other measures required to give effect to the agreement referred to in article 76 are determined by statute.

(2) For the purpose of defining the body of electors called upon to elect members of the deliberative assemblies of New Caledonia and the provinces, the list referred to in the Agreement mentioned in Article 76 hereof and Sections 188 and 189 of **오류! 하이퍼링크 참조가 잘못되었습니다.** number 99-209 of March 19th 1999 pertaining to New Caledonia is the list drawn up for the ballot provided for in Article 76 hereinabove which includes those persons not eligible to vote.

Articles 78 to 86 (Repealed)

TITLE XIV  On the French-Speaking World and on Association Agreements

Article 87 [French Language Cooperation]

The Republic participates in the development of solidarity and cooperation between States and peoples having the French language in common.

Article 88 [Association Agreements]

The Republic may enter into agreements with States that wish to associate with it in order to develop their civilizations.

TITLE XV  On the European Union

Article 88-1 [Participation]

The Republic participates in the European Union constituted by States, which have freely chosen to exercise some of their powers in common by virtue of the Treaty on European Union and of the Treaty on the Functioning of the European Union, as they result from the treaty signed in Lisbon on 13 Dec 2007.

Article 88-2 [European Arrest Warrant]

The law determines the rules relating to the European arrest warrant pursuant to acts adopted by the institutions on the European Union.

Article 88-3 [Municipal Electoral Rights for Europeans]

Subject to reciprocity and in accordance with the terms of the Treaty on European Union signed on 7 February 1992, the right to vote and stand as a candidate in municipal elections is granted only to citizens of the Union residing in France. Such citizens may neither hold the office of Mayor or Deputy Mayor nor participate in the designation of Senate electors or in the election of Senators. An **오류! 하이퍼링크 참조가 잘못되었습니다.** passed in identical terms by the two Houses determines the manner of implementation of this article.

Article 88-4 [Legislative Procedure]

(1) The government lays before the National Assembly and the Senate drafts of European legislative acts as well as other drafts of or proposals for acts of the European Union as soon as they have been transmitted to the council of the European Union.

(2) In the manner laid down by the rules of procedure of each House, European resolutions may be passed, even if Parliament is not in session, on the drafts or proposals referred to in the preceding paragraph, as well as on any document issuing from a European Union Institution.

(3) A committee in charge of European affairs is set up in each parliamentary assembly.

Article 88-5  [Accession of States]

(1) Any government bill authorizing the ratification of a treaty pertaining to the accession of a state to the European Union is submitted to referendum by the President of the Republic.

(2) Notwithstanding the foregoing, by passing a motion adopted in identical terms in each House by a three-fifths majority, Parliament may authorize the passing of the bill according to the procedure provided for in paragraph three of article 89.

Article 88-6 [Procedures Regarding European Affairs]

(1) The National Assembly or the Senate may issue a reasoned opinion as to the conformity of a draft proposal for a European Act with the principle of subsidiarity. Said opinion is addressed by the President of the House involved to the Presidents of the European Parliament, the Council of the European Union and the European Commission. The Government is informed of said opinion.

(2) Each House may institute proceedings before the Court of Justice of the European Union against a European Act for non-compliance with the principle of subsidiarity. Such proceedings are referred to the Court of Justice of the European Union by the Government.

(3) For this purpose, resolutions may be passed, even if Parliament is not in session, in the manner set down by the Rules of Procedure of each House for the tabling and discussion thereof.

Article 88-7 [Parliamentary Veto Against Simplified Treaty Revisions]

Parliament may, by the passing of a motion in identical terms by the National Assembly and the Senate, oppose any modification of the rules governing the passing of Acts of the European Union in cases provided for under the simplified revision procedure for treaties or under judicial cooperation on civil matters, as set forth in the Treaty on European Union and the Treaty on the Functioning of the European Union, as they result from the treaty signed in Lisbon on 13 Dec 2007.

Title XVI  Amendment

Article 89  [Special Procedures]

(1) The President of the Republic, on the recommendation of the Prime Minister, and Members of Parliament alike have the right to initiate amendments to the Constitution.

(2) A Government or a Private Member's Bill to amend the Constitution must be considered within the time limits set down in the third paragraph of Article **오류! 하이퍼링크 참조가 잘못되었습니다.** and be passed by the two Houses in identical terms. The amendment takes effect after approval by referendum.

(3) Nevertheless, a Government Bill to amend the Constitution is not submitted to referendum where the President of the Republic decides to submit it to Parliament convened in Congress; the Government Bill to amend the Constitution is then approved only if it is passed by a three-fifths majority of the votes cast. The Bureau of the Congress is that of the National Assembly.

(4) No amendment procedure is commenced or continued where the integrity of national territory is placed in jeopardy.

(5) The republican form of government is not the object of any amendment.

Title XVII  [Repealed]