



Strasbourg, 7 October 2010

**Opinion no. 543/2009**

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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT CONSTITUTIONAL LAW**  
**ON THE CHANGES AND AMENDMENTS TO THE CONSTITUTION**  
**OF GEORGIA**

**adopted by the State Constitutional Commission**  
**at the 2<sup>nd</sup> reading on Friday 1 October 2010**

**Draft Constitutional Law of Georgia**  
**On the Amendments and Changes to the Constitution of Georgia**

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**Article 1.**

Following amendments and additions shall be made to the Constitution of Georgia (Statements of the Parliament of Georgia, 1995, ##31-33, Article 668)

**1. The preamble shall be formed as follows:**

“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 recognized human rights and freedoms, to enhance the state independence and peaceful relations with other people, based on the centuries-old traditions of statehood of the Georgian Nation and the historical-legal inheritance of the Constitution of Georgia of 1921, proclaim the present Constitution before the God and the Nation.”

**2. Paragraph 4 of the Article 2 shall be formed as follows:**

“4. The affairs of local importance shall be regulated by the Citizens of Georgia registered in the self-governing units through self-government, without the prejudice to the state sovereignty, according to the Georgian Legislation. The bodies of the state authority shall promote the development of the local self-government”.

**3. Paragraph 6 of At. 18 shall formed as follows:**

“6. Preliminary detention of the accused person shall not exceed 9 months.”

**Supprimé :** The word “Organic” should be removed from the Paragraph 4 of the Article 4, Article 11, Paragraph 3 of the Article 12, Paragraphs 2 and 6 of the Article 26, Paragraph 3 of the Article 43, Paragraphs 1 and 5 of the Article 50, Paragraphs 3 and 10 of the Article 70, Paragraph 3 of the Article 74, Paragraphs 1 and 2 of the Article 83, Paragraph 3 of the Article 86<sup>1</sup>, Paragraph 1 of the Article 89, Paragraph 4 of the Article 95, Paragraph 2 of the Article 99.

**4. Article 21 shall be formed as follows:**

**“Article 21**

1. The property and the right to inherit shall be recognized and guaranteed. The abrogation of the universal right to property, its acquisition and inheritance shall be impermissible.
2. Restriction of the rights referred to in the Paragraph 1 shall be permissible for the important social needs in the cases envisaged by the Law and in accordance with a procedure established, so that the nature of the property right is not infringed.
3. Deprivation of the property for the important social needs shall not be permissible in the circumstances expressly defined by the law, under a court decision or in the case of the urgent necessity determined by the organic law, with condition of prior, full and fair compensation. Compensation shall be free from any taxes and fees”.

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**5. Article 22 shall be amended as follows:**

- a) The second sentence of the paragraph 2 shall be deleted.
- b) Paragraph 4 shall be added:

“A citizen of Georgia can freely enter Georgia.”

**6. Article 29 shall be added to the Constitution with following text:**

“1<sup>1</sup>. The office of the President of Georgia, the Prime-Minister, and the Chairman of the Parliament should not be taken by the Citizen of Georgia, who is the citizen of foreign country at the same time”.

**Supprimé :** ,

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**7. Paragraph 4 of the article 30 shall be formed as follows:**

**“4. Protection of labor rights, conditions to fair and safe, dignified labor, as well as labor conditions of women and juveniles shall be defined by organic law.”**

**8. Article 34<sup>1</sup> shall be added to the Constitution with following text:**

**“Article 34<sup>1</sup>**

The State shall facilitate the physical development of adults and youths by joint cooperation with educational institutions, sport unions by their involvement in sport activity”.

**9. Paragraph 9 of Article 42 shall be formed as follows:**

“9. Any person who has illegally sustained damage from the State, Autonomous Republics or self-government bodies and officials shall be guaranteed to receive full compensation accordingly from funds of the State, Autonomous Republics or self-government bodies through the court proceedings.”

**10. Sub-paragraph “a” of Article 51<sup>1</sup> shall be formed as follows:**

“a) Within 6 months after the parliamentary elections, if the Parliament is not dissolved on the grounds provided by Article 80”.

b) Paragraph “d” shall be formed as follows:

d) Within the last 6 months of the tenure of the President, if the dismissal is not applied according to the art.80”

**11. Paragraph 2 of Article 56 shall be formed as follows:**

“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 deputies, the investigative or other temporary commissions shall be established in the parliament. The decision on establishment of the commission shall be made according to the rules set by the regulations of the Parliament. Parliamentary majority shall not be more than half of the temporary commission.”

12. Paragraph 2 of article 57 shall be deleted.

**13. Article 59:**

**a) Paragraph 1 shall be formed as follows:**

“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 organ of territorial unit of any level, the state institutions and receive answers from them.”

**b) Paragraph 3 shall be formed as follows:**

“3. The Parliament shall be authorized the raise a question of official liability of certain member of the Government before the Prime-Minister by majority of total amounts of the members of the Parliament.”

**14. Paragraphs 3-4 of art. 60 shall be formed as follows:**

“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. Paragraph 2 of Article 61 shall be formed as follows:**

“2. The President of Georgia at the request of the Chairman of the Parliament, by no less than one-fourth of deputies of the Parliament, by request of the Government of Georgia, shall, between regular sessions, convene a special 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 start its works within following 48 hours in accordance with its Rules of Procedures.”

Supprimé :

Supprimé : or on his/her own initiative

**16. Article 63 shall be formed as follows:**

“Article 63

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 via 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.”

**17. Paragraph 1<sup>1</sup> shall be added to Article 65 with following text:**

“1<sup>1</sup>. 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 executed by the President of Georgia – the President of Georgia, which requires countersignature by Prime-Minister”.

**18. Paragraph 2 of Article 66 shall be removed.**

**19. Article 67 shall be formed as follows:**

**“Article 67**

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 electors, shall have the right to the legislative initiative.
2. At the request of the Government, the Parliament shall discuss a draft law in an unscheduled manner.”

**Supprimé :** The President of Georgia,

**Supprimé :** the President of Georgia or

**20. Paragraph 4 of Article 68 shall be formed as follows:**

“4. If the Parliament rejects the remarks of the President, the initial draft shall be put to vote. A law shall be deemed to be adopted if it is supported by more than half of the listed number of the members of the Parliament. The organic law shall be deemed adopted if it is supported by more than half of the total composition of the parliament. The constitutional law shall be deemed as adopted if it is supported by no less than two thirds of the total number of the members of the Parliament.”

**21. Article 69 shall be formed as follows:**

**“Article 69**

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.”

**Supprimé :** is the supreme representative of

**22. Paragraph 2 of article 71 shall be added the following sentence:**

“Tenure of the president terminates upon the inauguration of the newly elected president.”

**23. Article 72 shall be formed as follows:**

**“The president of Georgia may not hold any other position, including in a political party, conduct any entrepreneurial activities and receive salary or any permanent remuneration for any other activities.”**

**24. Paragraph 2 of Article 70 shall be formed as follows:**

“2. Any person may be elected as the President of Georgia if he/she is a citizen of Georgia by birth, has the right to vote, has attained the age of 35, has lived in Georgia for at least 15 years and has resided in Georgia for last 3 years by the Election Day.”

**25. Article 73:**

**a) Sub-paragraphs “a” and “b” of Paragraph 1 shall be formed as follows:**

“a) negotiate with the foreign states and conclude international conventions and agreements 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) In the cases provided by the Constitution, nominate the candidature of Prime-Minister and appoint the Prime-Minister;”

**c) Sub-paragraph “c” of Paragraph 1 shall be removed;**

**d) Sub-paragraph “d” of Paragraph 1 shall be formed as follows:**

“d) Oblige the Government to perform its duties till confirmation of a new Government in the cases provided by the Constitution.”

**c) Sub-paragraph “e” of Paragraph 1 shall be removed;**

**e) Sub-paragraph “f” of Paragraph 1 shall be formed as follows:**

“f) Submits to the Parliament, appoints, dismisses and removes the officials in the cases provided by the Constitution; appoints the members of the Supreme Court of Justice according to the procedures defined by law, on the basis of rules prescribed by the organic law participates in the appointment of chairman and members of the Central Electoral Commission, under the consent of the government submits members of the national regulatory bodies to the Parliament of Georgia”.

**f) After paragraph “f” paragraph f' shall be added:**

**“f') Within 10 days after the recognition of competence of the newly elected Supreme Council of the Autonomous Republic of Adjara after consultations with the political parties represented in the Council, under the consent of the Government, proposes candidature of the chairman of the government of the Autonomous Republic of Adjara”.**

**g) Sub-paragraph “j” of Paragraph 1 shall be formed as follows:**

“j) Issues a decree, ordinance and directive, also order, as the Commander-in-Chief of the Georgian Armed Forces, for implementation of powers conferred by the Constitution”

**h) Sub-paragraphs “q” and “r” of Paragraph 1 shall be removed;**

**i) Paragraph 3 shall be removed;**

**k) Paragraph 4 shall be formed as follows:**

“4. The President of Georgia shall appoint the members of the National Security Council. Appoints and dismisses the Chief of the Headquarter of the Armed Forces of Georgia, other commanders under the consent of the Government.”

Supprimé : a

**1) Paragraph 6 shall be formed as follows:**

“6. The President of Georgia carries out other authorities defined by the Constitution.”

**26. Article 73<sup>1</sup> shall be added to the Constitution with the following text:**

**“Article 73<sup>1</sup>**

1. Legal acts of the President of Georgia shall be countersigned by the Prime-Minister, except the acts issued during the State of War.
2. Order of the President shall not require countersignature except in the cases directly prescribed by the Constitution.
3. The countersignature shall not be required for those legal acts which relate to:
  - a) Appointment of 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 or the 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 4 of Article 78;
  - j) Activities of the Administration of the President and National Security Council;
  - k) Declaration or revocation of State of War;
  - l) Pardoning of convicted;
  - m) Providing a consent prescribed by the Paragraph 4 of Article 93.
4. In case of countersigning, the liability on legal acts shall be imposed to the Government.

**Supprimé :** <#>Legal initiatives;¶

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**Supprimé :** <#>Signing of international conventions and agreements, also submitting them before the Parliament for ratification in the cases defined by the Constitution; ¶ <#>Appointment, submission and dismissal of the officials envisaged by the Sub-paragraph “f” of the Article 73;¶

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**Supprimé :** Demand

**Supprimé :** <#>Appointment of the members of the National Security Council, appointment and dismissal of the Chief of the Headquarter of the Armed Forces of Georgia, other commanders, appointment of the judges of the Constitutional Court, submission of the candidacies of the judges of the Constitutional Court before the Parliament;¶ <#>Activity of the administration of the President, National Security Council and intuitions subordinated to the President;¶

**Supprimé :** state of emergency or wartime

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**Mise en forme :** Puces et numéros

**Supprimé :** Prime-Minister.¶

**27. Paragraph 1 of Article 74 shall be formed as follows:**

“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.”

**28. Paragraph 2 of Article 75 shall be formed as follows:**

“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 a procedures prescribed by Article 63 of the Constitution and the Law.”

**29. Paragraph 2 of Article 76 shall be formed as follows:**

“2. Executor of duties of the President shall not be authorized to use the rights prescribed by Sub-paragraph “i”, Paragraph 1, Article 73 and Paragraph 1, Article 74, also to dismiss the Parliament”.

**30. Article 78:**

**a) Paragraphs 1 and 2 shall be formed as follows:**

“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.”

**Supprimé :** .

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a. ~~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. The Prime-Minister may designate a member of the Government as the first Vice-Prime Minister and may also designate member(s) of the Government as Vice Prime Minister(s)."~~

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b) Paragraph 2<sup>2</sup> with the following shall be added:

"2. Prime-Minister and Ministers represent Georgia in foreign relations within the scope of their competence"

c) **Paragraphs 3-5 shall be formed as follows:**

- "3. 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.
- 4. 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.
- 5. 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."

**Supprimé :** Constitution and the  
**Supprimé :** 25

**31. Article 79:**

a) **Paragraph 1 shall be formed as follows:**

"1. The Prime-Minister is the head of the Government."

b) **Paragraph 2 shall be formed as follows:**

"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";

c) **Paragraph 5 shall be formed as follows:**

"5. The Prime-Minister shall appoint and dismiss other members of the Government."

d) **Paragraph 7 shall be formed as follows:**

"7. Resignation of the Prime-Minister or termination of 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."

**Supprimé :** 6

**32. Article 80 shall be formed as follows:**

**"Article 80**

- 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 7 days after the dismissal of the Government, the President of Georgia shall nominate a candidate of Prime-Minister proposed by the political group with the best results in the Parliamentary elections.
- 3. The candidate for the Prime-Minister shall, within 7 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 should be submitted together with composition of the Government.
- 4. The Parliament of Georgia shall, within 7 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

**Supprimé :** confirmation

5. In case the Government does not receive the vote of confidence, a revised 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 and its program in compliance with the procedure prescribed by paragraph 5, the President shall, within 7 days, nominate a Prime-Minister from the candidates proposed by no less than two fifth of the enlisted members of the Parliament. If 2 candidates have been proposed by different compositions of the members of the Parliament, the President shall nominate the candidate proposed by the majority, 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 by-elections.
8. The President of Georgia shall, within 2 days after granting the vote of confidence to the composition of Government, nominate a Prime-Minister, and the Prime-Minister shall, within 2 days, nominate other members of Government. If the President fails to issue the legal act on appointment of the Prime-Minister, he/she shall be deemed as appointed.”

**33. Article 80<sup>1</sup> shall be added to the Constitution with following text:**

**“Article 80<sup>1</sup>**

- a. In case of resignation of the Government or dissolution of authority of the Prime-Minister, The President of Georgia shall, within 7 days, nominate a candidate of Prime-Minister submitted by the Parliamentary majority, or if such majority is not formed yet, the Parliamentary fraction in which the most members of the Parliament are included.
- b. Selection and granting of vote of confidence to the members of the Parliament shall be carried out according to the procedure provided by the Paragraphs 3-8 of Article 80.
- c. 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.

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**34. Articles 81 and 81<sup>1</sup> shall be formulated as follows:**

**“Article 81**

1. The Parliament shall be entitled to declare non-confidence to the Government. No less than two fifth 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 thirty and no later than thirty-five 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 raining of the question of non-confidence by the same members of the Parliament, within 6 months after fro 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

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enlisted composition of the Parliament to the President. If 2 candidates are nominated according to the procedure of this paragraph, both of them shall be put to the vote. A candidate of Prime-Minister shall be submitted to the President if voted by more than half of the members of the Parliament; A non-submission of a candidature of prime-minister under the procedure of this paragraph means termination of the non-confidence procedure.

3. The President shall be authorized to, within 5 days after submission of the candidate of Prime-Minister, nominate a candidate of Prime-Minister or to refuse the nomination of the submitted candidate. If the President nominates the candidate submitted by the Parliament, confidence shall be declared to new composition of the Government according to the procedure provided by the Paragraphs 3-4, Article 30;
4. If the President refuses nomination of the candidate of Prime-Minister presented to him by the Parliament in the case provided by the Paragraph 3, the Parliament shall be authorized to vote for submission of the same candidate of Prime-Minister to the President no earlier than 20 and no later than 25 days after submission of the candidate. If submission is not supported by three fifth of the members of the Parliament, the President shall be obligated 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 Paragraphs 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, 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 by-elections within three days.

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**Article 81<sup>1</sup>**

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 the 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 provided by the Paragraph 1, Article 81 and the procedures prescribed by paragraphs 3 and 4 of Article 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 3 and 4 of Article 81.

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**35. Articles 81<sup>3</sup> shall be formed as follows:****“Article 81<sup>3</sup>**

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

**Supprimé :** Prime Minister

**36. Paragraphs 1 and 2 of Article 86 shall be formed as follows:**

- “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.
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 the organic law.”

**37. Paragraph 2 of Article 88 shall be formed as follows:**

- “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”.

**38. Article 89:**

- a) The words “representative organs of the self-government – the City Council (Sakrebulo), the High Council of Justice” shall be added next to the words “representative institutions” in the first sentence of Paragraph 1;

**b) Sub-paragraphs f<sup>2</sup> and f<sup>3</sup> shall be added to paragraph 1:**

- f<sup>2</sup>) 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 7<sup>1</sup> of the Constitution;
- f<sup>3</sup>) On the basis of submission made by the High Council of Justice the question of compatibility of normative acts with Articles 82, 84, 86, 86<sup>1</sup>, 87 and 90 of the Constitution shall be discussed;

**39. Paragraph 1 of Article 90 shall be formed as follows:**

- “1. The Supreme Court of Georgia is the Court of Cassation.”

**Supprimé :** Review

**b) Paragraph 3 shall be formed as follows:**

“3. The Competence of the Supreme Court, its organization, rules of termination of tenure of judges and activities shall be defined by organic law.”

**40. Article 93 shall be formed as follows:**

**“Article 93**

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 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. The current expenditures according to the draft law of State Budget of the President envisaged by the Law on State Budget of previous year can be reduced only by the consent of the President.
5. If the Parliament fails to approve the proposed budget within 3 months, the last year budget shall cover the expenses.
6. The draft law that may entail increase of expenditure of the State Budget, 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 within the frames of document on parameters and directions submitted by the Government.
7. The Parliament shall control the legality of utilization of the state financial resources through the Chamber of Control of Georgia.

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**Supprimé :** for the coming year

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**41. Paragraph 3 of Article 94 shall be formed as follows:**

“3. Release from taxes shall be admitted only by the Law.”

**42. Article 95:**

**a) Paragraph 1<sup>st</sup> shall be formed as follows:**

“1. The National Bank of Georgia conducts monetary policy to ensure stability of prices and maintains stable functioning of financial sector.”

**b) The 2<sup>nd</sup> paragraph shall be deleted.**

**43. 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of article 96 shall be formed as follows:**

“2. The President of Georgia appoints and dismisses the President of National bank from among the members of the board of the National Bank.”

“3. The National Bank is accountable to the Parliament and presents account to it annually.”

**44. The Chapter 7<sup>1</sup> shall be added to the Constitution with the following text:**

**Chapter 7<sup>1</sup>****Local Self-Government****Article 101<sup>1</sup>**

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 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.

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**Article 101<sup>2</sup>**

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 101<sup>3</sup>**

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 shall be necessarily implemented within the self-government's unit territory.
3. The State's supervision over the activities of self-government units is carried out by the procedure prescribed by the Law. The State's supervision aims to provide compliance of the self-government's normative acts with the Georgian Legislation and at reinforcing the delegated rights and powers in proper manner. The State exercises supervision proportionally to its goals."

**45. Paragraph 3 of Article 102 shall be formed as follows:**

"3. The revision draft of Constitution shall be deemed as adopted, if supported by no less than full composition of the Parliament of Georgia on two subsequent sessions of the Parliament of Georgia held within the interval of at least 3 months."

**Article 2**

1. The Parliament of Georgia shall adopt acting law on Labor Code of Georgia before 1<sup>st</sup> January, 2011.
2. The rule of permanent appointment of judges envisaged by paragraph 1<sup>st</sup> of article 35 of present law shall not be applicable to the judges appointed before the entry into force of the paragraph.
3. Upon termination of powers of the parliament after next parliamentary elections in October 2012, as of the moment of recognition of powers of the new Parliament the government shall cease activities and the President shall propose to the new Parliament new government for confidence voting.

**Supprimé :** <#>The Parliament of Georgia has to provide the implementation of appropriate legislative changes in relation with new procedure of termination of the Organic Laws and appointment of the judges till December 1<sup>st</sup>, 2010.¶

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- 4. From the moment of full entry into force of this law the government shall remove its responsibility before the parliament and declaration of confidence shall take place according to this law.
- 5. The Parliament of Georgia shall provide amendments and changes to the legislation related to the present law.

**Article 3**

- 1. This law, except paragraphs 1, 9, 11, 12, 22, 36, 38, 40, 41, 43 and articles 2 and 3 shall enter into force as of December 1, 2013.
- 2. Paragraphs 1, 6, 8, 9, 11, 12, 14, 22, 36, 38, 40, 41, 43 shall into force as of January 1, 2011.
- 3. Paragraph 7 of article 1 and articles 2 and 3 shall enter into force on 15<sup>th</sup> day of promulgation.

**President of Georgia**

**Mikheil Saakashvili**

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**Supprimé :** <#>This Law, except the Paragraphs 1, 2, 4-7, 9, 31-33 and 36 of Article 1, Articles 2 and 3, shall be enforced from December 1<sup>st</sup>, 2013.¶¶  
<#>Paragraphs 1, 2, 4-7, 9, 31-33 and 36 of Article 1, Articles 2 and 3 of this Law, shall be enforced from January 1<sup>st</sup>, 2011.¶¶  
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