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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW

**ON ADDITIONS TO THE LAW
ON THE STATUS OF MUNICIPALITIES**

OF THE REPUBLIC OF AZERBAIJAN

Articles 22-1, 25-1 and 31-1 shall be inserted to the Law of the Republic of Azerbaijan on Status of Municipalities in the following wording:

“Article 22-1. Suspension of powers of members of the municipality

In case if the member of the municipality fails to attend municipal sessions in terms provided in the Statute of the municipality, his powers shall be temporarily suspended up to verification of its reasons.

Article 25-1. Report of municipalities

The municipality shall report to its voters on work done, including data on use of financial resources and municipal property, on Monday of the third week of November each year. The report shall be drawn up in written form and approved at the sessions of the municipality. The report shall be posted on the billboard located in the territory of the municipality and assigned by the Election Code of the Republic of Azerbaijan for pre-election campaign.

The report, within 10 days following to its approval, shall be forwarded to the authority implementing administrative supervision over activity of municipalities. Authority implementing administrative supervision over activity of municipalities shall examine content of the report.

In case if these requirements are not followed or content of the report does not reflect reality, authority implementing administrative supervision over activity of municipalities shall inform relevant body of the executive power thereof. On the basis of information provided, those indicated in part I of Article 96 of the Constitution of the Republic of Azerbaijan shall officially address to the Milli Majlis of the Republic of Azerbaijan. The Milli Majlis of the Republic of Azerbaijan, according to the part IV of Article 146 of the Constitution of the Republic of Azerbaijan, shall pass a decision on hearing of the report of the municipality. In case if the report of the municipality is considered by the Milli Majlis of the Republic of Azerbaijan as inadequate, the Central Election Commission of the Republic of Azerbaijan shall pass a decision on pre-term suspension of powers of members of the municipality and assignment of new elections.

Article 31-1. Pre-term dismissal of the municipality

According to the Law of the Republic of Azerbaijan On Joint Activity, Association, Division and Termination of Municipalities, in case if municipalities pass a decision to associate following to the results of local opinion survey conducted in the territory of two or more municipalities or the municipality passes a decision to form two or more municipalities on the territory of the municipality following to the results of local opinion survey conducted in the territory of that municipality, the Central Election Commission of the Republic of Azerbaijan shall pass a decision on pre-term dismissal of those municipalities and assignment of new municipal elections.”

