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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

AMENDMENTS

TO THE ORGANIC LAW ON THE CONSTITUTIONAL COURT

AND

TO THE LAW ON CONSTITUTIONAL LEGAL PROCEEDINGS

AND

EXPLANATORY NOTE

Project

The organic law of Georgia

“About Constitutional Court of Georgia” On amendments to the organic law of Georgia

Paragraph 1. The following change “About constitutional court of Georgia” to be included to the organic law of Georgia (parliamentary statements, N 001, 27/02/1996, page 8):

1. Article 10:

A) The first and the third paragraphs to be formulated by the following amendments:

1. From the point when all members of Constitutional Court take an oath or no later than one month after the early termination of term of the President of the Constitutional Court, a plenary session of Georgian constitutional court is held, during which the President of the Constitutional Court is elected for the term of five years. Two Vice-Presidents of the Constitutional Court are to be elected for the same period and under the same rule. If, by the time of the election, less than five years is left until the term of the candidate for the President of the Constitutional Court or Vice-Presidents, as court members, expires, then they will be elected for the remaining term of a court member.
 2. From the moment when the authority of the President of the Constitutional Court or his/her Vice-Presidents expires or is terminated early, a new President and Vice-Presidents of the Constitutional Court will be elected in no later than one month.
 3. At least three members of the Constitutional Court have the right to nominate the candidate of the Constitutional Court president, in two weeks' time their term expires, or early termination of the President of the Constitutional Court. One member of the Constitutional Court can sign the nomination of only one candidate.
- b) After paragraph 5, Paragraph 5¹-5³ of the following content shall be added:

5¹ – If only one person is nominated as the candidate for the President of the Constitutional Court and he/she does not get enough votes to be elected as a president, then in a week's time a new candidate(candidates) will be nominated according to the mandated rule of Paragraph 3 of this Article. The candidate will be considered elected if he/she receives votes according to Paragraph 5 of this Article. If two or three persons are nominated as candidates for the President of the Constitutional Court and none of them can get enough votes to be elected, then the second round takes place on the same day where two candidates with best results can take part. If two candidates took the second place with identical results, all three candidates take part in the second round. If any of the candidates withdraws candidacy, the rest of the (candidate) candidates will be voted. If no candidate gets enough votes to be chosen President, a new candidate (candidates) is nominated in a week's time according to the mandated rule of Paragraph 3 of this Article, and the candidate will be elected according to the mandated rule of this point.

5². If the candidate for Vice-Presidency is unable to get necessary number of votes in three days' time then, according to the mandated rule of Paragraph 4 of this Article, a new candidate will be nominated and will be considered elected in the case of getting votes according to Paragraph 5 of this Article.

5³. A person who has held the same position in the past, cannot be elected as a President or a Vice-President of the Constitutional Court.

2. The sub-point 'b' of first paragraph of Article 12 to be formulated by the following amendment:
 - b) Distributes cases and appoints a reporter judge for the plenary session according to the rule set by the Law of Georgia "On the Constitutional Legal Proceedings"
3. The first paragraph of Article 14 to be formulated by the following amendment:

1. Constitutional Court secretary shall be elected for a five years' term by court members with a secret vote at the Plenary Session. The President of the Constitutional Court nominates the candidate for secretary and the support of no less than five members of the Constitutional Court who take part in voting is enough in order to elect the candidate.

4. Paragraph 3 of Article 15 to be formulated by the following edition:

“3. The decision under Paragraph 1 of this Article is considered valid if it is supported by the majority of all members of the Constitutional Court.

5. Paragraphs 4 and 5 of Article 16 to be formulated by the following edition:

“4. In no later than 20 days from the moment of early termination of the authority of the Constitutional Court member, a new Constitutional Court member shall be appointed and the member's term shall begin from the moment of taking the oath. If the early termination of authority of a Constitutional Court member (elected by the Parliament of Georgia) coincides with parliament recess, then the Constitutional Court member will be appointed within two weeks from the beginning of the nearest session of parliament.

5. No earlier than a month and no later than 10 days before the term of a Constitutional Court member expires, a new member of the Constitutional Court shall be appointed, whose term will begin from the moment when his/her predecessor's 10-years term expires, but no earlier than he/she takes the oath.

6. Article 18 to be formulated by the following amendment:

Article 18.

Authority of the Constitutional Court member will be terminated immediately after his/her 10-year term expires. If less than three months is left until his/her term expires, the Constitutional Court member cannot take part in the discussion of a new case, besides taking part in a preliminary session (in this case, he/she cannot be appointed as a reporter judge)

and discussion of cases defined by Paragraphs “d” and “h” (“დ” and “თ”) of Article 19 of this Law.

7. Article 21

A) Paragraphs 1 and 2 to be formulated by the following amendment:

1. Sub-Paragraphs “a”, “d”, “f”, “h”, “j”, “l” („ა” „დ” „ფ” „თ” „ჯ” and „ლ”) of Paragraph 1 of Article 19 of this Law, and issues under Paragraph 2 of the same Article and Paragraph 5 of Article 25, also issues under the Sub-Paragraph “e” („ე”) of Paragraph 1 of Article 19 related to the constitutionality of the norms of Georgian organic law, are considered by the Plenum of the Constitutional Court.

2. Issues under Sub-Paragraphs “b”, “c”, “g” and “k” („ბ” „გ” „ვ” and „კ”) of Paragraph 1 of Article 19 of this Law, also issues under sub-paragraph “e” („ე”) which are not regarding the constitutionality of the norms of the Georgian organic law, are discussed by the Board of the Constitutional Court.

b) Paragraph 3 to be removed;

8. Article 21¹

a) After Paragraph 1, Paragraph 1¹ with the following content shall be added:

1¹. It has also been specified that if a member of the Board of the Constitutional Court believes that his/her position, derived from the case at hand, differs from the legal position expressed in the Court's earlier judgment (judgments), or the content of the pending case contradicts with the essence of the interpretation of the Constitution, and/or constitutes its rare application and/or creates a particularly important legal problem, he/she is authorized to appeal to the Plenum at any stage of the review and approval process with a reasoned written motion requesting the case to be considered by the Plenum. Within 7 days from the date of appeal, the Plenum of the Constitutional Court decides whether or not to discuss the case on

the Plenum on which it adopts a protocol and a ruling. If the Plenum refuses to discuss the case, the case will be returned to the same Board.”

b) Paragraph 2 to be formulated by the following edition:

„2. The case will be accepted for discussion by the Plenum of the Constitutional Court unless the Plenum refuses to discuss the case by a reasoned ruling, which is adopted if it is supported by no less than six members of the Plenum of the Constitutional Court.”

9. Of Article 25:

a) Paragraphs 4¹ and 5 to be formulated by the following amendment:

“4¹. If the Constitutional Court at the preliminary session establishes that a questionable normative act or its part consists of the same norms that the Constitutional Court already declared unconstitutional or in the cases covered under Sub-Paragraph “i” („ი”) of Paragraph 1 of Article 19 of this Law on the „Autonomous Republic of Adjara” incompatible with the Georgian Constitutional Law. In cases covered under Sub-Paragraph “j” („ჯ”) of Paragraph 1 of Article 19 of the same law - with the Georgian Constitution, the Georgian Constitutional Law on the „Autonomous Republic of Adjara”, with constitutional agreement, with Georgian international contracts and agreements, or incompatible with the Georgian law, if there is no basis under Paragraph 1 of Article 21¹ of this Law, he receives the ruling not to accept the case in discussion and declares the questionable act or its relevant part void. This ruling enters into force from the moment of its promulgation.

If the Constitutional Court considers that operation of normative act can cause irreparable consequences for one side, the given issue will be passed on to the Plenum of the Constitutional Court for consideration, which, with the decision adopted by the support of no less than six members of the Plenum at the preliminary session, can suspend the questionable act or its relevant part until the final ruling or by less term. At any stage of the discussion, the Constitutional Court is entitled to reexamine on its own initiative, or based

on the motion of the parties, the decision about ceasing a questionable act or its part, if the circumstances which served as the basis of the decision do not exist anymore. The decision about ceasing questionable act or its appropriate part as well as about abolishing such decision enters into force from the moment of its promulgation. After receiving the decision about ceasing or refusing to cease the questionable act or its appropriate part by the constitutional court the case is discussed and the final decision is made by the Board or the Plenum according to the rule set by Paragraphs 1 and 4 of Article 21 this Law.”

B. Paragraph 6 of the following content shall be added:

„6. The Constitutional Court act is regarded as promulgated if its whole text is published on the webpage of the Constitutional Court.”

10. Paragraphs 10, 13 of the following content shall be added to the Article 43:

The complete text of the Constitutional Court act, besides acts covered under Paragraphs 3 and 11 of this Article, is published on the webpage of the Constitutional Court within 15 days from the moment of its receipt and is sent to the Legislative Herald of Georgia which publishes it within the next two days.

11. The decision and inference of the Constitutional Court, ruling under Paragraph 4¹ of Article 25 of this Law and protocol record under Paragraph 5 of the same Article, are declared in the courtroom according to the rules set by the Law of Georgia “On the Constitutional Legal Proceedings”, the entire text is published on the webpage of the Constitutional Court and is sent to the Georgian Legislative Herald, which publishes it immediately after receiving the text.

12. Constitutional Court act covered under Paragraph 11 of this Article, which is adopted without oral hearing discussion, might not be declared in the courtroom. In this case, the whole text of this act is immediately published on the webpage of the Constitutional Court and is sent to the Legislative Herald of Georgia which immediately publishes the text.

13. The full text of all decisions of the Constitutional Court, judgments, full text of the protocol records also the different/preceding opinions of the Constitutional Court member about this acts, in case of its existence, will be placed on the website of the Constitutional Court, and the act covered under Paragraphs 11 and 12 - also in "The Legislative Herald of Georgia". "

11. **Article 44** to be formulated with following amendment:

"Article 44.

1. The plenum of the Constitutional Court is entitled to make a decision, if its meeting is attended by at least seven members.

2. The Constitutional suit is considered allowed, the conclusion about the constitutional submission, the judgment under Paragraph 4¹ of the Article 25 of this Law and the protocol record under Paragraph 5 of the same article is considered as passed, if it is supported by not less than 6 members attending the plenum session.

12. **Of the Article 47:**

A) Paragraph 2 to be formulated with following amendment:

"2. The differing or concurring opinion of the Constitutional Court member is attached to the protocol of the Constitutional Court session and is published according to the rules set by the Law of Georgia "On the Constitutional Legal Proceedings" on the website of the Constitutional Court and in the "the Legislative Herald of Georgia". "

B) Paragraph 3 shall be removed.

Article 2.

1. This law, except for Paragraphs 1 and 3 of Article 1, shall come into force upon its promulgation.

2. Paragraphs 1 and 3 of this Article of this Law shall come into force on October 1 of the year 2016.

The Law of Georgia

On Amendments to the Law of Georgia "On the Constitutional Legal Proceedings"

Article 1. Following changes shall be made to the Law of Georgia (parliament's notices, N 5-6, 24/04/1996, page 66) "On the Constitutional Legal Proceedings":

1. Paragraph 1 of Article 4 to be formulated with the following edition:

"1. Only judges directly participating in the hearing of the case have the right to make decisions about the case. If during the preliminary hearing or/ and during the essential hearing of the case any of the judges has been replaced, in the case of the latter's request, the same stage of the proceeding begins from the start. "

2. Article 7:

a) Paragraphs 3 and 4 to be formulated with following edition:

"3. The member of the Constitutional Court, participating in the hearing has the right to have differing or concurring opinion, stated in a written form.

4. The differing or concurring opinion of a Constitutional Court member, is attached to the protocol of the Constitutional Court session and is published, on the website of the Constitutional Court and the Legislative Herald of Georgia, according to the rules set by this Law".";

b) Paragraph 5 to be removed.

2. Article 17:

a) Paragraph 2 to be formulated with following edition:

"2. The registered constitutional claim or a constitutional submission is immediately transferred to the President of the Constitutional Court, who, taking into consideration the requirements of Paragraphs 1-4 of the Organic Law of Georgia on the Constitutional Court of Georgia, cognizable case of the Board of Constitutional Court, passes to the Board within 7 days in order to decide on the subject of essential consideration of the case, or if the case is cognizable of the Plenum, - within the same period, on the basis of the rules set by Paragraph 3¹ of this Article, designates the rapporteur judge for the Plenum session and transfers the case to him/her. During the transfer of the case to the Board, the rule of sequence should be observed, except for cases covered under Paragraph 2¹ of this Article.

B) Paragraphs 2¹ and 2² of the following content shall be added after Paragraph 2:

"2¹. If a registered constitutional claim is of the same content or legally has essential connection to that issue, to which previously transferred constitutional claim is related, the President of the Constitutional Court is entitled to transfer this claim for examination to the same Board with the aim of uniting it in one procedure.

2². If a registered constitutional claim / submission is to be discussed by the Plenum or by the decision of the Board / President of the Constitutional Court is transferred to the Plenum for consideration and it by its content or legally has essential connection to that issue, which is related to the claim/submission previously transferred to the Plenum, the Plenum is entitled to unite these claims / submission into one procedure.

g) Paragraph 3 to be formulated with following amendment:

"3. As soon as the Chairman of the Board receives the case from the Board members, he/she, on the basis of the rules set by the Paragraph 3¹ of this Article, assigns the rapporteur judge for preliminary hearing and transfers the case to the members of the Board. "

D) Paragraph 3¹ with the following content shall be added after Paragraph 3:

"3¹. For the goals of the 2nd and 3rd paragraphs, the rapporteur judge will be selected by the automated, electronic sampling system."

4. Paragraph 5 of the following content shall be added to Article 21:

"5., The protocol record, under Paragraph 5 of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia, with which the disputed act or its relevant part is suspended before the final decision is made, shall indicate:

A) Name and composition of the Constitutional Court considering the case;

B) The time and the place where the protocol record is created;

G) The participants of the case and the subject of the dispute;

D) The issue about which the protocol record is created;

E) The motives, on which the conclusions of the Constitutional Court are based;

V) The Organic Law of Georgia on the Constitutional Court of Georgia and the norms of the Law, which constitute the basis for the protocol record of the Constitutional Court;

V) The designation about the suspension of the contested act or its relevant part and the periods of suspension.

Z) Designation cancelling the decision regarding the suspension of the contested act or its relevant part. "

5. Article 22

A) Article 1 must be formulated according to following amendment:

1. The Constitutional Court of Georgia settles the Constitutional suit or the consideration of essential hearing of Constitutional submission, also cases covered under Article 21¹ and Paragraphs 4¹ and 5 of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia, by open vote in the deliberation room.

B) Articles 3 and 5 must be formulated according to following amendment.

3 Ruling of Constitutional Court, except for the cases mentioned in Paragraph 4 of this Article comes into force after every member of the Constitutional Court signs it. In cases when member of the Constitutional Court deliberately avoids or cannot due to objective reasons sign it and the number of signees is enough to make such a ruling, and can show up in a court room.

4. According to the Organic Law of Georgia on the Constitutional Court of Georgia, in cases mentioned in Paragraphs 4¹ and 5 of Article 25, it is obligatory to promulgate the ruling and protocol record in the court room.

5. Ruling/protocol record mentioned in Paragraph 4 of this Article goes into effect after every member of the Constitutional Court signs it. In cases when a member of the Constitutional Court deliberately avoids or cannot due to objective reasons sign it and the number of signees is enough to make such a ruling/protocol record, from the moment of publication, if there is not other time set aside from the one according to the Organic Law of Georgia on the Constitutional Court of Georgia. Ruling and protocol record is regarded as promulgated when its full text is published on the webpage of the Constitutional Court.

A) Paragraph 2 of Article 24 must be formulated according to the following redaction.

2. The Plenum has authorized to conduct a hearing and make a decision if at least 7 members are present on the session.

7. Article 29

Paragraph 1 must be formulated according to the following amendment:

1. After every member of the Constitutional Court participating in the hearing signs on the decision or inference of the Constitutional Court head of the session declares such decision/inference and information regarding differing/concurring ideas of the Constitutional Court member (if it exists), in the session room. If any member of Constitutional Court deliberately avoids or cannot due to objective reasons sign it and the number of signees is enough to make such a ruling/protocol record, head of the session declares such decision/inference and information regarding differing/concurring ideas of the Constitutional Court member (if it exists), in the session room.

B. Article 4 must be formulated according to following amendment:

4. Constitutional Court is authorized to declare of a decision or motivational or resolution part of a decision or an inference. In this case, parties will immediately be given the full text containing such a decision or inference.

8. Article 33 must be formulated according to the following amendment:

Article 33

1. The decision and inference of the Constitutional Court, also the entire texts of the ruling, provided by Paragraph 4¹ of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia, and the protocol record, provided by Paragraph 5 of the same Article, compatible with the requirements of Paragraphs 3 and 5 of Article 21 of this Law, Paragraph 2 of Article 22, Paragraph 1 of Article 29, and Articles 31 and 32, according to rule set by Article 29 and Paragraph 4 of Article 22 is immediately published on the webpage of the Constitutional Court after its declaration in the session room and sent to the Legislative Herald of Georgia, which publishes it upon receipt.

2. If the Constitutional Court act, covered under Paragraph 1 of this Article and adopted without the oral hearing, is not proclaimed in the session room, its full text must be immediately published on the Constitutional Court webpage and sent to the Legislative Herald of Georgia, which publishes it upon receipt.
3. The Constitutional Court act covered under Paragraph 1 of this Article comes into effect as soon as it is published. Act is regarded as promulgated if its full text is published on the webpage of the Constitutional Court.
4. Any differing or concurring opinion (if any) of a member of the Constitutional Court participating in enacting the Constitutional Court act covered under Paragraph 1 of this Article, must be attached to the act and must be published with it, if it is given to the Constitutional Court before it declares the act in the court room. Otherwise, differing or concurring opinion of a member of the Constitutional Court will be published if it is given to the Constitutional Court within 10 days after the declaration of the act in the court room. In that case, the Constitutional Court publishes differing or concurring opinions of the Constitutional Court member in 2 days on the webpage of the Constitutional Court and sends it to the Legislative Herald of Georgia, which publishes it in the next 2 days.
5. A copy of the decision of the Constitutional Court, the ruling, as provided by Paragraph 4¹ of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia, and the protocol record, as provided by Paragraph 5 of the same Article, as for the copy of the inference – it is sent to the authors of the constitutional submission and the official figures covered under Sub-Paragraph “h” of Paragraph 1 of Article 19 of the Organic Law of Georgia on the Constitutional Court of Georgia. A copy of the decision made on issues covered by Sub-Paragraph “j” of Paragraph 1 of Article 19 of the Organic Law of Georgia on the Constitutional Court of Georgia is sent to the authors of the constitutional submission and the Supreme Council of the Autonomous Republic of Adjara.

6. A copy of the decision and inference, also the ruling as provided by Paragraph 4¹ of Article 25 of the Organic Law of Georgia on the Constitutional Court of Georgia and the protocol record, as provided by Paragraph 5 of the same Article, is sent to the Parliament of Georgia, the President of Georgia, the Government of Georgia and the Supreme Court of Georgia.

Article 2

Prior to 1 January 2017, the Constitutional Court of Georgia and the Government of Georgia shall provide financial, technical and other essential resources to create in given dates, an automated, electronic sampling system for the selection of rapporteur judges, as provided by the Sub-Paragraph “d” of Paragraph 3 of Article 1 of this Law.

Article 3

1. This Law, except for Sub-Paragraph “D” of Paragraph 3 of Article 1, must come into effect upon promulgation.
2. Sub-Paragraph “D” of Paragraph 3 of Article 1 of this Law shall come into effect on January 1, 2017.

Georgian President: Giorgi Margvelashvili

Explanatory Note

To the Draft Organic Law of Georgia on Amendments to the Organic Law of Georgia on the Constitutional Court of Georgia and the Draft Law of Georgia on Amendments to the Law of Georgia on Constitutional Proceedings

1. Regarding the Draft Organic Law on Amendments to the Organic Law on the Constitutional Court of Georgia

a.a) Reasons for adopting the draft Law:

The draft Law has been prepared due to the existence of conflicting provisions in the current Organic Law with respect to different issues.

Such conflict between various provisions of the law and their inconsistencies with the Constitution have also been identified recently in the judicial practice.

In the course of works over the draft Law, consultations were held with and opinions were requested from the Ministry of Justice of Georgia, the Constitutional Court, the Supreme Court and the High Council of Justice. The drafting process also involved intensive consultations with the Legal Issues Committee of the Parliament. Most of the Committee's opinions were incorporated into the draft Law. During the first and the second reading of the draft Law, a great deal of comments provided by the Constitutional Court were also taken on board. Account was also taken of remarks made by non-governmental organisations during the public review. All of the above were reflected in the final version.

Since the original version of the draft Law was modified during the Committee hearings and substantial issues were added at the time of the second reading, the Committee decided to provide to the Venice Commission the integrated final version of the draft law agreed upon during the open hearings, rather than presenting various proposals dispersed in several documents. This will save much time and efforts for the Venice Commission.

The draft Law was initiated on 10 March 2016 and open public discussions continued up to 14th of May.

a.b) Purpose of the draft Law:

The purpose of the draft Law is to correct the existing deficiencies in the Organic Law of Georgia on the Constitutional Court of Georgia and to bring into compliance with the Constitution those provisions that are inconsistent with the Constitution. The draft Law also aims to provide greater guarantees for the independence of the Constitutional Court.

The substance of the amendments:

1. Under the amendments, the President of the Constitutional Court ('the Court') will be elected by the Court itself in accordance with Article 88(2) of the Constitution of Georgia. Under the previous version, a single candidate was nominated to the position of the President of the

Constitutional Court as a result of a political agreement between the President of Georgia, the Chairperson of Parliament of Georgia and the President of the Supreme Court of Georgia, which rule constituted a clear violation of the Constitution.

The new version of the Law sets out in detail democratic procedures for electing the President, Vice-president and Secretary of the Court, thereby preventing political influence on the Court and ensuring its greater independence. As a result, the Law will no longer have any unconstitutional provision.

2. Under the draft Law, the Constitutional Court, from among its members, will elect the President of the Court, by secret ballot, for the term of 5 years, rather than for 10 years as it was unconstitutionally stipulated in the previous version.

3. The draft Law introduces an electronic case distribution procedure, which was welcomed by the Venice Commission with respect to the General Courts reform (CDL-AD(2014)031). This novelty will address the long-standing problem in the judicial practice, where the President of the Court, at his sole discretion, systematically assigned cases of significant public interest to the same panel of judges.

4. The term of office of the members of the Court was brought into compliance with the Constitution. A provision was added to the Law stating that after the expiration of the 10-year term of office provided for in the Constitution, the powers of the member of the Court will be terminated. A new judge will be elected one month prior to the expiration of the term of office of the previous judge. This procedure is consistent with the Constitution. It will also prevent judges from deliberately extending the term of office and, thereby, retaining the office for indefinite time. Notably, the previous version of the Law did not envisage any upper limit up to which a judges could extend his/her term of office claiming a need to complete old cases.

The Venice Commission, in its report of 1 July 2015 (CDL-Pl(2015)002), expressed its negative assessment of such practices in a number of countries.

5. The amendments addressed the conflicting provisions respecting the entry into force of Court decisions. A Court decision will enter into force after it has been pronounced in the courtroom and after its text is uploaded to the Court's website. Only after this will the decision be transmitted to the Legislative Herald of Georgia for publication. This procedure has been set out in detail in the Law.

6. The Law defines more exactly the jurisdictions of the Plenary Court and of the Board and the decision-making procedure. The Plenary Court will consider such significant and key issues as the constitutionality of the provisions governing the elections and that of the elections (referendum) held or to be held according to those provisions, issues concerning the suspension of a disputed act or of part thereof, or the refusal of suspension, as well as the constitutionality of the provisions of the organic laws of Georgia. All other matters will be considered by the Board.

7. Under the new Law, the Plenary Court, due to the high importance of the matter at hand, will adopt a decision by vote of six judges. In this connection, it must be underlined that unlike the Constitution of Poland, and notably like the Constitution of the Czech Republic (compare CDL-AD(2016)001, paragraphs 80-82), the Constitution of Georgia makes no directives about the required quorum for the Constitutional Court decisions and refers this matter to be governed entirely by the organic law (Article 83(1) of the Constitution).

8. It has also been specified that if a member of the Board of the Constitutional Court considers that his/her position, which is based on the case at hand, differs from the legal opinion expressed in earlier judicial decision(s), or if the case under consideration intrinsically raises a rare

and/or especially significant legal issue relating to the interpretation and/or application of the Constitution of Georgia, the member of the Board is entitled, at any stage of consideration or resolution of the case, apply with a reasoned motion to the Plenary Court and request it to consider the case.

9. At the initiative of the Legal Issues Committee, the conflicting articles concerning the suspension of disputed acts have been corrected and new provisions have been added to the effect that if the grounds for suspending a disputed act no longer exist, the Court will annul the decision suspending the legal act. These procedures have been set out in detail in the Law.

2. Regarding the Draft Law on Amendments to the Law on Constitutional Proceedings

10. It has been specified that if a judge is replaced during the proceedings, the relevant stage of the proceedings will commence anew, if the judge so requests. In order to consider, as fully as possible, the plaintiff's interests in expediting the administration of justice, it would be reasonable if the current Law did not envisage a mandatory procedure relating to the replacement of a judge during a proceeding and to leave the decision on the issue up to the judge himself/herself.

11. Under the new Law, the Court's decisions must be signed by all judges participating in the consideration of the case. A provision has been added to the Law to the effect that if any of the judges does not sign the decision intentionally or due to objective reasons, the decision will be published if there is a quorum provided for by the Law.

All the above changes were reviewed in an open public discussion format and are aimed at strengthening the Constitutional Court of Georgia, promoting its independence and correcting the unconstitutional provisions.