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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GEORGIA

**CONSIDERED REMARKS
OF THE PRESIDENT OF GEORGIA (VETO)
AS APPROVED BY THE PARLIAMENT**

The Organic Law of Georgia

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

Article 1. The following amendments shall be made to the organic law of Georgia on “The Constitutional Court of Georgia”:

1.4. The paragraph 3 of the article 15 shall be formulated as follows:

“3. Decision defined in the first paragraph of this article shall be adopted if not less than six members of the Plenum of the Constitutional Court support”.

1.6. The article 18 shall be formulated as follows:

“Article 18.

The ten-year term of office of the member of the Constitutional Court is ceased immediately after its term is expired.”

1.7. The first and second paragraphs of the article 21 shall be formulated as follows:

“1. The issues, defined in subparagraphs: “a”, “d”, “f”, “h”, “j”, “l” of the first paragraph of the article 19 and the second paragraph of the same article and the paragraph 5 of the article 25, also the issues on constitutionality of the norms of the organic law are discussed by the Plenum of the Constitutional Court.

2. The issues, defined in subparagraphs: “b”, “c”, “e”, “g” and “k” of the first paragraph of the article 19 are discussed by the Board of the Constitutional court.

1.8. The second paragraph of the Article 21¹ shall be formulated as follows:

“a) 2. The protocol/motion, decision or resolution of the Plenum of the Constitutional Court, which is different from the practice of the Constitutional Court shall be adopted by majority of full composition of the Plenum of the Constitutional Court.”;

b) After the paragraph 2 paragraphs 3 and 4 shall be added:

“3. In case the member of the Board of the Constitutional Court considers that his/her position which derives from the pending discussable case is different from the legal opinion defined in court’s previous decision (decisions), or if the case itself emerges the problem of construing or/and applying of the constitution of Georgia or emerges particularly important legal problem, he/she is authorized to submit a motion to the plenum at any stage of discussing and decision making process. The Plenum of the Constitutional court once the motion is submitted within seven days shall decide to discuss the case at plenum session and issues a protocol or ruling. The Plenum returns the case to the same board for consideration in case of rejection.

“4. The case defined in the paragraph 3 of this Article shall be accepted for consideration by the plenum of the Constitutional Court, except when the Plenum refuses to discuss the case by issuing a ruling, which shall be adopted by the majority of full composition of the Constitutional Court Plenum.

1.9. The paragraph 5 of the Article 25 shall be formulated as follows:

5. If the constitutional court deems that a normative act may cause irremediable results in respect to one of the parties, the case shall be submitted for consideration to the Constitutional Court Plenum, through the Plenum preparatory session by the majority of full composition of the Plenum. The plenum is able to suspend disputed act or its parts until the final decision is adopted or with less than that term. The constitutional court, by its own initiation or by the motion submitted by the parties is authorized to revise decision on suspension disputed act or its parts during any stage of case consideration, if the circumstances that were the ground for decision no long exist. The Decision adopted on suspension of disputed act or its part, also on abolition of this type of decision enters into force upon publication of the protocol. After a decision on suspension or decision on suspension declination is adopted by the plenum of the Constitutional Court, the case is discussed and the final decision is adopted by the board or the plenum of the Constitutional Court according to the paragraphs 1, 2 and 4 of the article 21.

1.11. Article 44 shall be formulated as follows:

“Article 44.

1. The Plenum of the Constitutional Court is authorized to make decision if at least six members of the Plenum attend the session, apart from the cases defined in paragraph 2 of this Article.
2. The Plenum of the Constitutional Court is authorized to make decision with at least 7 members attending the session on issues defined in subparagraphs “d” and “h” of the first paragraph of the Article 19 and Article 15, also to make decision on the constitutionality of the norms of organic law.
3. The constitutional claim shall be adopted and the opinion on constitutional submission is adopted with majority of full composition of the Plenum of the Constitutional Court, apart from the issues defined in paragraph 4 of this Article.
4. The issues defined in subparagraphs “d” and “h” of the first paragraph of the Article 19 and Article 15 shall be adopted, the constitutional claim on the constitutionality of the norms of organic law shall be satisfied and the conclusion on the constitutional submission shall be adopted by not less than 6 members of the Plenum of the Constitutional Court.

Law of Georgia

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Amendments to the Law of Georgia on “the Constitutional Legal Proceedings”

Article 1. The following amendments shall be made to the “Law of Georgia on the Constitutional Legal Proceedings” (Parliamentary Gazette No 5-6, 24/04/1996):

1.6. Paragraph 2 of Article 24 shall be formulated as follows:

“2. The plenum of the Constitutional court is entitled to hear the case substantially and make decision if at least 6 members attend the session, apart from the cases defined in the paragraph 2 of the Article 44 of the organic law of Georgia on “the Constitutional Court of Georgia”.