



# The 1958 Constitution and its amendments

This English translation was prepared under the joint responsibility of the Press, Information and Communication Directorate of the Ministry of Foreign Affairs and the European Affairs Department of the National Assembly. The French original is the sole authentic text.

## Preamble



The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of 1789, confirmed and complemented by the Preamble to the Constitution of 1946.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories that express the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived with a view to their democratic development.

## Article 1

France shall be an indivisible, secular, democratic and social Republic. It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. It shall respect all beliefs.

## On sovereignty

### Article 2

The language of the Republic shall be French.  
The national emblem shall be the blue, white and red tricolour flag.  
The national anthem shall be La Marseillaise.  
The motto of the Republic shall be "Liberty, Equality, Fraternity".  
Its principle shall be: government of the people, by the people and for the people.

National sovereignty shall belong to the people, who shall exercise it through their representatives and by means of referendum. No section of the people nor



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any individual may arrogate to itself, or to himself, the exercise thereof. Suffrage may be direct or indirect as provided by the Constitution. It shall always be universal, equal and secret. All French citizens of either sex who have reached their majority and are in possession of their civil and political rights may vote as provided by statute.

### **Article 3**

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### **Article 4**

Political parties and groups shall contribute to the exercise of suffrage. They shall be formed and carry on their activities freely. They must respect the principles of national sovereignty and democracy.

## **The president of the Republic**

### **Article 5**

The President of the Republic shall see that the Constitution is observed. He shall ensure, by his arbitration, the proper functioning of the public authorities and the continuity of the State. He shall be the guarantor of national independence, territorial integrity and observance of treaties.

### **Article 6**

The President of the Republic shall be elected for five years by direct universal suffrage. The manner of implementation of this article shall be determined by an institutional Act.

### **Article 7**

The President of the Republic shall be elected by an absolute majority of the votes cast. If such a majority is not obtained on the first ballot, a second ballot shall take place on the second following Sunday. Only the two candidates who received the greatest number of votes in the first ballot, account being taken of any withdrawal of candidates with more votes, may stand in the second ballot.

Balloting shall be begun by a writ of election issued by the Government.



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The election of the new President shall be held not less than twenty days and not more than thirty-five days before the expiry of the term of the President in office.

Should the Presidency of the Republic fall vacant for any reason whatsoever, or should the Constitutional Council on a reference from the Government rule by an absolute majority of its members that the President of the Republic is incapacitated, the duties of the President of the Republic, with the exception of those specified in articles 11 and 12, shall be temporarily exercised by the President of the Senate or, if the latter is in turn incapacitated, by the Government.

In the case of a vacancy, or where the incapacity of the President is declared permanent by the Constitutional Council, the ballot for the election of the new President shall, except in the event of a finding by the Constitutional Council of force majeure, be held not less than twenty days and not more than thirty-five days after the beginning of the vacancy or the declaration that the incapacity is permanent.

If, in the seven days preceding the last day for lodging presentations of candidature, any of the persons who, less than thirty days prior to that day, have publicly announced their decision to be a candidate dies or becomes incapacitated, the Constitutional Council may decide to postpone the election.

If, before the first ballot, any of the candidates dies or becomes incapacitated, the Constitutional Council shall declare the election postponed.

In the event of the death or incapacitation of either of the two candidates in the lead in the first ballot before any withdrawals, the Constitutional Council shall declare that the electoral procedure must be repeated in full; the same shall apply in the event of the death or incapacitation of either of the two candidates remaining standing for the second ballot.

All cases shall be referred to the Constitutional Council in the manner laid down in the second paragraph of article 61 or in that laid down for the presentation of candidates in the institutional Act provided for in article 6.

The Constitutional Council may extend the time limits set in the third and fifth paragraphs, provided that polling takes place not later than thirty-five days after the decision of the Constitutional Council. If the implementation of the provisions of this paragraph results in the postponement of the election beyond the expiry of the term of the President in office, the latter shall remain in office until his successor is proclaimed.

Neither articles 49 and 50 nor article 89 of the Constitution shall be implemented during the vacancy of the Presidency of the Republic or during the period between the declaration that the incapacity of the President of the Republic is permanent and the election of his successor.

### **Article 8**

The President of the Republic shall appoint the Prime Minister. He shall terminate the appointment of the Prime Minister when the latter tenders the resignation of the Government. On the proposal of the Prime Minister, he shall appoint the other members of the Government and terminate their appointments.



## Article 9

The President of the Republic shall preside over the Council of Ministers.

## Article 10

The President of the Republic shall promulgate Acts of Parliament within fifteen days following the final adoption of an Act and its transmission to the Government.

He may, before the expiry of this time limit, ask Parliament to reconsider the Act or sections of the Act. Reconsideration shall not be refused.

## Article 11

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 Journal officiel, submit to a referendum any government bill which deals with the organization of the public authorities, or with reforms relating to the economic or social 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.

Where the referendum is held in response to a proposal by the Government, the latter shall make a statement before each assembly which shall be followed by a debate.

Where the referendum decides in favour of the government bill, the President of the Republic shall promulgate it within fifteen days following the proclamation of the results of the vote.

## Article 12

The President of the Republic may, after consulting the Prime Minister and the Presidents of the assemblies, declare the National Assembly dissolved. A general election shall take place not less than twenty days and not more than forty days after the dissolution.

The National Assembly shall convene as of right on the second Thursday following its election. Should it so convene outside the period prescribed for the ordinary session, a session shall be called by right for a fifteen-day period.

No further dissolution shall take place within a year following this election.

## Article 13

The President of the Republic shall sign the ordinances and decrees deliberated upon in the Council of Ministers.

He shall make appointments to the civil and military posts of the State.

Conseillers d'Etat, the grand chancelier de la Légion d'Honneur, ambassadors



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and envoys extraordinary, senior members of the Audit Court, prefects, government representatives in the overseas territories, general officers, recteurs des acadØmies and heads of central government services shall be appointed in the Council of Ministers.

An institutional Act shall determine the other posts to be filled in the Council of Ministers and the manner in which the power of the President of the Republic to make appointments may be delegated by him to be exercised on his behalf.

### **Article 14**

The President of the Republic shall accredit ambassadors and envoys extraordinary to foreign powers; foreign ambassadors and envoys extraordinary shall be accredited to him.

### **Article 15**

The President of the Republic shall be commander-in-chief of the armed forces. He shall preside over the higher national defence councils and committees.

### **Article 16**

Where the institutions of the Republic, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat, and where the proper functioning of the constitutional public authorities is interrupted, the President of the Republic shall take the measures required by these circumstances, after formally consulting the Prime Minister, the Presidents of the assemblies and the Constitutional Council.

He shall inform the Nation of these measures in a message.

The measures must stem from the desire to provide the constitutional public authorities, in the shortest possible time, with the means to carry out their duties. The Constitutional Council shall be consulted with regard to such measures.

Parliament shall convene as of right.

The National Assembly shall not be dissolved during the exercise of the emergency powers.

### **Article 17**

The President of the Republic has the right to grant pardon.

### **Article 18**

The President of the Republic shall communicate with the two assemblies of Parliament by means of messages, which he shall cause to be read and which shall not be the occasion for any debate.



Outside sessions, Parliament shall be convened especially for this purpose.

## Article 19

Acts of the President of the Republic, other than those provided for under articles 8 (first paragraph), 11, 12, 16, 18, 54, 56 and 61, shall be countersigned by the Prime Minister and, where required, by the appropriate ministers.

## The government

### Article 20

The Government shall determine and conduct the policy of the Nation. It shall have at its disposal the civil service and the armed forces. It shall be responsible to Parliament in accordance with the terms and procedures set out in articles 49 and 50.

### Article 21

The Prime Minister shall direct the operation of the Government. He shall be responsible for national defence. He shall ensure the implementation of legislation. Subject to article 13, he shall have power to make regulations and shall make appointments to civil and military posts. He may delegate certain of his powers to ministers. He shall deputize, if the case arises, for the President of the Republic as chairman of the councils and committees referred to in article 15. He may, in exceptional cases, deputize for him as chairman of a meeting of the Council of Ministers by virtue of an express delegation of powers for a specific agenda.

### Article 22

Acts of the Prime Minister shall be countersigned, where required, by the ministers responsible for their implementation.

### Article 23

The duties of member of the Government shall be incompatible with the exercise of any parliamentary office, any position of occupational representation at national level, any public employment or any occupational activity. An institutional Act shall determine the manner in which the holders of such offices, positions or employment shall be replaced. The replacement of Members of Parliament shall take place in accordance with the provisions of article 25.



## Parliament

### Article 24

Parliament shall comprise the National Assembly and the Senate.  
The deputies to the National Assembly shall be elected by direct suffrage.  
The Senate shall be elected by indirect suffrage. The representation of the territorial units of the Republic shall be ensured in the Senate. French nationals settled outside France shall be represented in the Senate.

### Article 25

An institutional Act shall determine the term for which each assembly is elected, the number of its members, their allowances, the conditions of eligibility and the terms of disqualification and of incompatibility with membership.  
It shall likewise determine the manner of election of those persons who, in the event of a vacancy, are to replace deputies or senators whose seats have become vacant, until the general or partial renewal by election of the assembly to which they belonged.

### Article 26

No Member of Parliament shall be prosecuted, investigated, arrested, detained or tried in respect of opinions expressed or votes cast in the exercise of his duties.  
No Member of Parliament shall be arrested for a serious crime or other major offence, nor shall 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 shall not be required in the case of a serious crime or other major offence committed *flagrante delicto* or a final sentence.  
The detention, subjection to custodial or semi-custodial measures, or prosecution of a Member of Parliament shall be suspended for the duration of the session if the assembly of which he is a member so requires.  
The assembly concerned shall convene as of right for additional sittings in order to permit the preceding paragraph to be applied should circumstances so require.

### Article 27

Any binding instruction shall be void.  
The right to vote of Members of Parliament shall be personal. An institutional Act may, in exceptional cases, authorize voting by proxy.  
In that event, no member shall be given more than one proxy.



## Article 28

Parliament shall convene as of right in one ordinary session which shall start on the first working day of October and shall end on the last working day of June.

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

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.

The days and hours of sittings shall be determined by the rules of procedure of each assembly.

## Article 29

Parliament shall convene in extraordinary session, at the request of the Prime Minister or of the majority of the members of the National Assembly, to consider a specific agenda. Where an extraordinary session is held at the request of members of the National Assembly, the decree closing it shall take effect once Parliament has dealt with the agenda for which it was convened, or twelve days after its first sitting, whichever shall be the earlier. Only the Prime Minister may request a new session before the end of the month following the decree closing an extraordinary session.

## Article 30

Except where Parliament convenes as of right, extraordinary sessions shall be opened and closed by decree of the President of the Republic.

## Article 31

Members of the Government shall have access to the two assemblies. They shall address either assembly whenever they so request.

They may be assisted by government commissioners.

## Article 32

The President of the National Assembly shall be elected for the duration of the term for which the Assembly is elected. The President of the Senate shall be elected after each partial renewal by election.

## Article 33

The sittings of the two assemblies shall be public. A verbatim report of the debates shall be published in the Journal officiel.





Each assembly may sit in camera at the request of the Prime Minister or of one tenth of its members.

## On relations between parliament and the government

### Article 34

Statutes shall be passed by Parliament.

Statutes shall determine the rules concerning:

- civic rights and the fundamental guarantees granted to citizens for the exercise of their public liberties; the obligations imposed for the purposes of national defence upon citizens in respect of their persons and their property;
- nationality, the status and legal capacity of persons, matrimonial regimes, inheritance and gifts;
- the determination of serious crimes and other major offences and the penalties applicable to them; criminal procedure; amnesty; the establishment of new classes of courts and tribunals and the regulations governing the members of the judiciary;
- the base, rates and methods of collection of taxes of all types; the issue of currency.

Statutes shall likewise determine the rules concerning:

- the electoral systems of parliamentary assemblies and local assemblies; - the creation of categories of public establishments;
- the fundamental guarantees granted to civil and military personnel employed by the State;
- the nationalization of enterprises and transfers of ownership in enterprises from the public to the private sector.

Statutes shall determine the fundamental principles of:

- the general organization of national defence;
- the self-government of territorial units, their powers and their resources;
- education;
- the regime governing ownership, rights in rem and civil and commercial obligations;
- labour law, trade-union law and social security.

Finance Acts shall determine the resources and obligations of the State in the manner and with the reservations specified in an institutional Act. Social security finance Acts shall determine the general conditions for the financial balance of social security and, in the light of their revenue forecasts, shall determine expenditure targets in the manner and with the reservations specified in an institutional Act.



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Programme Acts shall determine the objectives of the economic and social action of the State.

The provisions of this article may be enlarged upon and complemented by an institutional Act.

### **Article 35**

A declaration of war shall be authorized by Parliament.

### **Article 36**

Martial law shall be decreed in the Council of Ministers. Its extension beyond twelve days may be authorized only by Parliament.

### **Article 37**

Matters other than those that fall within the ambit of statute shall be matters for regulation.

Acts of Parliament passed concerning these matters may be amended by decree issued after consultation with the Conseil d'Etat. Any such Acts which are passed after this Constitution has entered into force shall be amended by decree only if the Constitutional Council has declared that they are matters for regulation as defined in the preceding paragraph.

### **Article 38**

In order to carry out its programme, the Government may ask Parliament for authorization, for a limited period, to take measures by ordinance that are normally a matter for statute.

Ordinances shall be issued in the Council of Ministers, after consultation with the Conseil d'Etat. They shall come into force upon publication, but shall lapse if the bill to ratify them is not laid before Parliament before the date set by the enabling Act.

At the end of the period referred to in the first paragraph of this article, ordinances may be amended only by an Act of Parliament in those areas which are matters for statute.

### **Article 39**

The Prime Minister and Members of Parliament alike shall have the right to initiate statutes.

Government bills shall be discussed in the Council of Ministers after consultation with the Conseil d'Etat and shall be introduced in one of the two assemblies. Finance bills and social security finance bills shall be presented first to the National Assembly.



## Article 40

Bills and amendments introduced by Members of Parliament shall not be admissible where their adoption would have as a consequence either a diminution of public resources or the creation or increase of an item of public expenditure.

## Article 41

Should it be found in the course of the legislative process that a Member's bill or amendment is not a matter for statute or is contrary to a delegation granted by virtue of article 38, the Government may object that it is inadmissible.

In the event of disagreement between the Government and the President of the assembly concerned, the Constitutional Council, at the request of one or the other, shall rule within eight days.

## Article 42

The discussion of government bills shall pertain, in the assembly which first has the bill before it, to the text introduced by the Government. An assembly which has before it a text passed by the other assembly shall deliberate upon that text.

## Article 43

Government and Members' bills shall, at the request of the Government or of the assembly having the bill before it, be referred for consideration to committees specially set up for this purpose.

Government and Members' bills concerning which such a request has not been made shall be referred to one of the standing committees, the number of which shall be limited to six in each assembly.

## Article 44

Members of Parliament and the Government shall have the right of amendment. Once the debate has begun, the Government may object to the consideration of any amendment which has not previously been referred to committee.

If the Government so requests, the assembly having the bill before it shall decide by a single vote on all or part of the text under discussion, on the sole basis of the amendments proposed or accepted by the Government.

## Article 45

Every government or Member's bill shall be considered successively in the two assemblies of Parliament with a view to the adoption of an identical text.



If, as a result of a disagreement between the two assemblies, it has proved impossible to adopt a government or Member's bill after two readings by each assembly or, if the Government has declared the matter urgent, after a single reading by each of them, the Prime Minister may convene a joint committee, composed of an equal number of members from each assembly, to propose a text on the provisions still under discussion.

The text drafted by the joint committee may be submitted by the Government to both assemblies for approval. No amendment shall be admissible without the consent of the Government.

If the joint committee does not succeed in adopting a common text, or if the text is not adopted as provided in the preceding paragraph, the Government may, after a further reading by the National Assembly and by the Senate, ask the National Assembly to make a final decision. In that event, the National Assembly may reconsider either the text drafted by the joint committee, or the last text passed by itself, as modified, if such is the case, by any amendment or amendments adopted by the Senate.

## Article 46

Acts of Parliament that the Constitution characterizes as institutional shall be passed and amended as provided in this article.

A government or Member's bill shall not be debated and put to the vote in the assembly in which it was first introduced until fifteen days have elapsed since its introduction.

The procedure set out in article 45 shall apply. Nevertheless, in the absence of agreement between the two assemblies, the text may be adopted by the National Assembly on final reading only by an absolute majority of its members. Institutional Acts relating to the Senate must be passed in identical terms by the two assemblies.

Institutional Acts shall not be promulgated until the Constitutional Council has declared their conformity with the Constitution.

## Article 47

Parliament shall pass finance bills in the manner provided by an institutional Act.

Should the National Assembly fail to reach a decision on first reading within forty days following the introduction of a bill, the Government shall refer the bill to the Senate, which must rule within fifteen days. The procedure set out in article 45 shall then apply.

Should Parliament fail to reach a decision within seventy days, the provisions of the bill may be brought into force by ordinance. Should the finance bill establishing the resources and expenditures for a financial year not be introduced in time for promulgation before the beginning of that year, the Government shall as a matter of urgency ask Parliament for authorization to collect taxes and shall make available by decree the funds needed to meet the commitments already voted for.

The time limits set by this article shall be suspended when Parliament is not



in session.

The Audit Court shall assist Parliament and the Government in monitoring the implementation of finance Acts.

## Article 47-1

Parliament shall pass social security finance bills in the manner provided by an institutional Act.

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

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

The time limits set by this article shall be 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 28.

The Audit Court shall assist Parliament and the Government in monitoring the implementation of social security finance Acts.

## Article 48

Without prejudice to the application of the last three paragraphs of article 28, precedence shall be given on the agendas of the assemblies, and in the order determined by the Government, to the discussion of government bills and of Members' bills accepted by the Government.

At one sitting a week at least precedence shall be given to questions from Members of Parliament and to answers by the Government.

At one sitting a month precedence shall be given to the agenda determined by each assembly.

## Article 49

The Prime Minister, after deliberation by the Council of Ministers, may make the Government's programme or possibly a statement of its general policy an issue of its responsibility before the National Assembly.

The National Assembly may raise an issue of the Government's responsibility by passing a motion of censure. Such a motion shall not be 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 motion has been introduced. Only the votes in favour of the motion of censure shall be counted; the motion of censure shall not be adopted unless it is voted for by the majority of the members of the Assembly. Except as provided in the following paragraph, a deputy shall not sign more than three motions of censure during a single ordinary session and more than one during a single extraordinary session.

The Prime Minister may, after deliberation by the Council of Ministers, make the passing of a bill an issue of the Government's responsibility before the



National Assembly. In that event, the bill shall be considered adopted unless a motion of censure, introduced within the subsequent twenty-four hours, is carried as provided in the preceding paragraph.  
The Prime Minister may ask the Senate to approve a statement of general policy.

## **Article 50**

Where the National Assembly carries a motion of censure, or where it fails to endorse the programme or a statement of general policy of the Government, the Prime Minister must tender the resignation of the Government to the President of the Republic.

## **Article 51**

The closing of ordinary or extraordinary sessions shall be postponed by right in order to permit the application of article 49, if the case arises.  
Additional sittings shall be held by right for the same purpose.

## **On treaties and international agreements**

### **Article 52**

The President of the Republic shall negotiate and ratify treaties.  
He shall be informed of any negotiations for the conclusion of an international agreement not subject to ratification.

### **Article 53**

Peace treaties, commercial treaties, treaties or agreements relating to international organization, those that commit the finances of the State, those that modify provisions which are matters for statute, those relating to the status of persons, and those that involve the cession, exchange or addition of territory, may be ratified or approved only by virtue of an Act of Parliament.  
They shall not take effect until they have been ratified or approved.  
No cession, exchange or addition of territory shall be valid without the consent of the population concerned.

### **Article 53-1**

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.  
However, even if the request does not fall within their jurisdiction under the terms of these agreements, the authorities of the Republic shall 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**

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

## **Article 54**

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**

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

## **The constitutional council**

### **Article 56**

The Constitutional Council shall consist of nine members, whose term of office shall be nine years and shall not be renewable. One third of the membership of the Constitutional Council shall be renewed every three years. Three of its members shall be appointed by the President of the Republic, three by the President of the National Assembly and three by the President of the Senate. In addition to the nine members provided for above, former Presidents of the Republic shall be ex officio life members of the Constitutional Council. The President shall be appointed by the President of the Republic. He shall have a casting vote in the event of a tie.

### **Article 57**

The office of member of the Constitutional Council shall be incompatible with that of minister or Member of Parliament. Other incompatibilities shall be determined by an institutional Act.



## Article 58

The Constitutional Council shall ensure the proper conduct of the election of the President of the Republic.

It shall examine complaints and shall declare the results of the vote.

## Article 59

The Constitutional Council shall rule on the proper conduct of the election of deputies and senators in disputed cases.

## Article 60

The Constitutional Council shall ensure the proper conduct of referendum proceedings and shall declare the results of the referendum.

## Article 61

Institutional Acts, before their promulgation, and the rules of procedure of the parliamentary assemblies, before their entry into force, must be referred to the Constitutional Council, which shall rule on their conformity with the Constitution.

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

In the cases provided for in the two preceding paragraphs, the Constitutional Council must rule within one month. However, at the request of the Government, if the matter is urgent, this period shall be reduced to eight days.

In these same cases, reference to the Constitutional Council shall suspend the time limit for promulgation.

## Article 62

A provision declared unconstitutional shall be neither promulgated nor implemented.

No appeal shall lie from the decisions of the Constitutional Council. They shall be binding on public authorities and on all administrative authorities and all courts.

## Article 63

An institutional Act shall determine the rules of organization and operation of the Constitutional Council, the procedure to be followed before it and, in particular, the time limits allowed for referring disputes to it.





## On judicial authority

### Article 64

The President of the Republic shall be the guarantor of the independence of the judicial authority.

He shall be assisted by the High Council of the Judiciary.

An institutional Act shall determine the regulations governing the members of the judiciary.

Judges shall be irremovable.

### Article 65

The High Council of the Judiciary shall be presided over by the President of the Republic. The Minister of Justice shall be its vice-president ex officio.

He may deputize for the President of the Republic.

The High Council of the Judiciary shall consist of two sections, one with jurisdiction for judges, the other for public prosecutors.

The section with jurisdiction for judges shall comprise, in addition to the President of the Republic and the Minister of Justice, five judges and one public prosecutor, one conseiller d'Etat appointed by the Conseil d'Etat, and three prominent citizens who are not members either of Parliament or of the judiciary, appointed respectively by the President of the Republic, the President of the National Assembly and the President of the Senate.

The section with jurisdiction for public prosecutors shall comprise, in addition to the President of the Republic and the Minister of Justice, five public prosecutors and one judge, and the conseiller d'Etat and the three prominent citizens referred to in the preceding paragraph.

The section of the High Council of the Judiciary with jurisdiction for judges shall make nominations for the appointment of judges in the Court of Cassation, the first presidents of the courts of appeal and the presidents of the tribunaux de grande instance. Other judges shall be appointed with its assent. It shall act as the disciplinary council for judges. When acting in that capacity, it shall be presided over by the first president of the Court of Cassation.

The section of the High Council of the Judiciary with jurisdiction for public prosecutors shall give its opinion on the appointment of public prosecutors, with the exception of posts to be filled in the Council of Ministers.

It shall give its opinion on disciplinary penalties with regard to public prosecutors. When acting in that capacity, it shall be presided over by the chief public prosecutor at the Court of Cassation. An institutional Act shall determine the manner in which this article is to be implemented.

### Article 66

No one shall be arbitrarily detained.

The judicial authority, guardian of individual liberty, shall ensure the



observance of this principle as provided by statute.

## **The high court of justice**

### **Article 67**

A High Court of Justice shall be established.

It shall be composed, in equal number, of members elected from among their ranks by the National Assembly and the Senate, after each general or partial renewal by election of these assemblies. It shall elect its President from among its members.

An institutional Act shall determine the composition of the High Court of Justice, its rules of operation and the procedure to be applied before it.

### **Article 68**

The President of the Republic shall not be held liable for acts performed in the exercise of his duties except in the case of high treason. He may be indicted only by the two assemblies ruling by identical votes in open ballots and by an absolute majority of their members; he shall be tried by the High Court of Justice.

## **On the criminal liability of members of the government**

### **Article 68-1**

Members of the Government shall be 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.

They shall be tried by the Court of Justice of the Republic.

The Court of Justice of the Republic shall be 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**

The Court of Justice of the Republic shall consist 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 shall preside over the Court of Justice of the Republic.

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.

This committee shall order 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.

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 institutional Act shall determine the manner in which this article is to be implemented.

## **Article 68-3**

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

## **The economic and social council**

### **Article 69**

The Economic and Social Council, on a reference from the Government, shall give its opinion on such government bills, draft ordinances or decrees, and Members' bills as have been submitted to it.

A member of the Economic and Social Council may be designated by the Council to present, to the parliamentary assemblies, the opinion of the Council on such bills or drafts as have been submitted to it.

### **Article 70**

The Economic and Social Council may likewise be consulted by the Government on any economic or social issue. Any plan or programme bill of an economic or social character shall be submitted to it for its opinion.

### **Article 71**

The composition of the Economic and Social Council and its rules of procedure shall be determined by an institutional Act.

## **On territorial units**

### **Article 72**

The territorial units of the Republic shall be the communes, the departments and the overseas territories. Any other territorial unit shall be established by statute. These units shall be self-governing through elected councils and in the manner provided by statute. In the departments and the territories, the delegate of the Government shall be responsible for national interests, administrative supervision and the observance of the law.



## Article 73

Measures may be taken to adapt the legislative system and administrative organization of the overseas departments to their particular situation.

## Article 74

The overseas territories of the Republic shall have a particular form of organization which takes account of their own interests with due regard for the general interest of the Republic.

The bodies of rules governing the overseas territories shall be established by institutional Acts that define, inter alia, the jurisdiction of their own institutions; they shall be amended in accordance with the same procedure after consultation with the territorial assembly concerned.

Other provisions concerning their particular form of organization shall be defined and amended by statute after consultation with the territorial assembly concerned.

## Article 75

Citizens of the Republic who do not have ordinary civil status, the only one referred to in article 34, shall retain their personal status so long as they have not renounced it.

Title XIII "of the Community" comprising the articles 77 to 97 was abrogated by the constitutional law No. 95-880 of 4 August 1995, article 14.

## On association agreements

### Article 88

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

## On the european communitiesand the European Union

### Article 88-1

The Republic shall participate in the European Communities and in the European Union constituted by States that have freely chosen, by virtue of the treaties that established them, to exercise some of their powers in common.

### Article 88-2



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Subject to reciprocity and in accordance with the terms of the Treaty on European Union signed on 7 February 1992, France agrees to the transfer of powers necessary for the establishment of European economic and monetary union and for the determination of rules relating to the crossing of the external borders of the Member States of the European Community.

### **Article 88-3**

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 shall be granted only to citizens of the Union residing in France. Such citizens shall neither exercise the office of mayor or deputy mayor nor participate in the designation of Senate electors or in the election of senators. An institutional Act passed in identical terms by the two assemblies shall determine the manner of implementation of this article.

### **Article 88-4**

The Government shall lay before the National Assembly and the Senate any proposals for Community instruments which contain provisions which are matters for statute as soon as they have been transmitted to the Council of the Communities.

Whether Parliament is in session or not, resolutions may be passed under this article in the manner laid down by the rules of procedure of each assembly.

## **On the amendement of the constitution**

### **Article 89**

The President of the Republic, on a proposal by the Prime Minister, and Members of Parliament alike shall have the right to initiate amendment of the Constitution.

A government or a Member's bill to amend the Constitution shall be passed by the two assemblies in identical terms. The amendment shall have effect after approval by referendum.

However, a government bill to amend the Constitution shall not be 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 shall then be approved only if it is adopted by a three-fifths majority of the votes cast. The Bureau of the Congress shall be that of the National Assembly. No amendment procedure shall be commenced or continued where the integrity of the territory is jeopardized.

The republican form of government shall not be the object of an amendment.



# PRESIDENCE DE LA REPUBLIQUE

Ministère des Affaires Étrangères, Mai 1997 / French Ministry of Foreign Affairs, May 1997.

