

France – Constitution

*{ Adopted on: 28 Sep 1958 - Fifth Republic }
{ Amended in: 1962 - presidential elections }
{ Amended in: 1992 - Maastricht Treaty }
{ Amended in: 1993 - immigration law, not included }
{ Amended on: 26 July 1995 - referendum, not included }
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The Government of the Republic, in accordance with the Constitutional statute of June 3rd 1958, has proposed,

The French people have adopted,

The President of the Republic hereby promulgates the Constitutional statute worded as follows :

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, and to the rights and duties as defined in the Charter for the Environment of 2004.

By virtue of these principles and that of the self-determination of peoples, the Republic offers to the overseas territories which have expressed the will to adhere to them new institutions founded on the common ideal of liberty, equality and fraternity and conceived for the purpose of their democratic development.

Title I - ON SOVEREIGNTY

Article 4

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

They shall contribute to the implementation of the principle set out in the second paragraph of article 1 as provided for by statute.

Statutes guarantee the pluralistic expression of opinions and the equitable participation of political parties and groups in the democratic life of the Nation.

Title II - THE PRESIDENT OF THE REPUBLIC

Article 6

The President of the Republic shall be elected for a term of five years by direct universal suffrage.

No one may carry out more than two consecutive terms of office.

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 votes cast. If such a majority is not obtained on the first ballot, a second ballot shall take place on the fourteenth day thereafter. Only the two candidates polling the greatest number of votes in the first ballot, after any withdrawal of better placed candidates, may stand in the second ballot.

The process of electing a President shall commence by the calling of said election by the Government.

The election of the new President shall be held no fewer than twenty days and no 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 referral 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 to be permanent by the Constitutional Council, elections for the new President shall, except in the event of a finding by the Constitutional Council of force majeure, be held no fewer than twenty days and no more than thirty-five days after the beginning of the vacancy or the declaration of permanent incapacity.

In the event of the death or incapacitation in the seven days preceding the deadline for registering candidacies of any of the persons who, fewer than thirty days prior to such deadline, have publicly announced their decision to stand for election, the Constitutional Council may decide to postpone the election.

If, before the first round of voting, any of the candidates dies or becomes incapacitated, the Constitutional Council shall declare the election to be postponed..

In the event of the death or incapacitation of either of the two candidates in the lead after the first round of voting before any withdrawals, the Constitutional Council shall declare that the electoral process must be repeated in full; the same shall apply in the event of the death or incapacitation of either of the two candidates still standing on the second round of voting.

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 registration of candidates in the Institutional Act provided for in article 6.

The Constitutional Council may extend the time limits set in paragraphs three and five above, provided that polling takes place no 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 of the permanent incapacity of the President of the Republic and the election of his successor.

Article 11

The President of the Republic may, on a recommendation from the Government when Parliament is in session, or on a joint motion of the two Houses, published 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, social or environmental policy of the Nation, and to the public services contributing thereto, or which provides for authorization to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of the institutions.

Where the referendum is held on the recommendation of the Government, the latter shall make a statement before each House and the same shall be followed by a debate.

A referendum concerning a subject mentioned in the first paragraph may be held upon the initiative of one fifth of the members of Parliament, supported by one tenth of the voters enrolled on the electoral lists. This initiative shall take the form of a Private Members' Bill and may not be applied to the repeal of a legislative provision promulgated for less than one year.

The conditions by which it is introduced and those according to which the Constitutional Council monitors the respect of the provisions of the previous paragraph, are set down by an Institutional Act.

If the Private Members' Bill has not been considered by the two Houses within a period set by the Institutional Act, the President of the Republic may submit it to a referendum.

Where the Private Members' Bill is not passed by the French people, no new referendum proposal on the same subject may be submitted before the end of a period of two years following the date of the vote.

Where the outcome of the referendum is favourable to the Government Bill or to the Private Members' Bill, the President of the Republic shall promulgate the resulting statute within fifteen days following the proclamation of the results of the vote.

Title IV - *PARLIAMENT*

Article 24

Parliament shall pass statutes. It shall monitor the action of the Government. It shall assess public policies.

It shall comprise the National Assembly and the Senate.

Members of the National Assembly, whose number must not exceed five hundred and seventy-seven, shall be elected by direct suffrage.

The Senate, whose members must not exceed three hundred and forty-eight, shall be elected by indirect suffrage. The Senate shall ensure the representation of the territorial communities of the Republic.

French Nationals living abroad shall be represented in the National Assembly and in the Senate.

Article 25

An Institutional Act shall determine the term for which each House 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 called upon to replace Members of the National Assembly or Senators whose seats have become vacant, until the general or partial renewal by election of the House in which they sat, or have been temporarily replaced on account of having accepted a governmental position.

An independent commission, whose composition and rules of organization and operation shall be set down by statute, shall express an opinion, by public announcement, on the Government and Private Members' Bills defining the constituencies for the election of members of the National Assembly, or modifying the distribution of the seats of members of the National Assembly or of Senators.

Article 27

No Member shall be elected with any binding mandate.

Members' right to vote shall be exercised in person.

An Institutional Act may, in exceptional cases, authorize voting by proxy. In that event, no member shall be given more than one proxy

Article 60

The Constitutional Council shall ensure the proper conduct of referendum proceedings as provided for in articles 11 and 89 and in Title XV and shall proclaim the results of the referendum.

Title XV - ON THE EUROPEAN UNION

Article 88-5

Any government bill authorizing the ratification of a treaty pertaining to the accession of a state to the European Union shall be submitted to referendum by the president of the republic.

Notwithstanding the foregoing, by passing a motion adopted in identical terms in each House by a three-fifths majority, Parliament may authorize the passing of the bill according to the procedure provided for in paragraph three of article 89.

[Article 88-5 is not applicable to accessions that result from an Intergovernmental Conference whose meeting was decided by the European Council before July 1, 2004.]

Title XVI - ON AMENDMENTS TO THE CONSTITUTION

Article 89

The President of the Republic, on the recommendation of the Prime Minister, and Members of Parliament alike shall have the right to initiate amendments to the Constitution.

A Government or a Private Member's Bill to amend the Constitution must be considered within the time limits set down in the third paragraph of article 42 and be passed by the two Houses in identical terms. The amendment shall take 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 passed 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 national territory is placed in jeopardy.

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