

THE CONSTITUTION OF GEORGIA

Adopted on 24 August 1995

Last amendment 27.12.06

CHAPTER THREE

The Parliament of Georgia

Article 48

The Parliament of Georgia shall be the supreme representative body of the country, which shall exercise legislative power, determine the principle directions of domestic and foreign policy, exercise control over the activity of the Government within the framework determined by the Constitution and discharge other powers.

Article 49

1. The Parliament of Georgia shall consist of 100 members of the Parliament elected by a proportional system and 50 members of Parliament elected by a majority system for a term of four years on the basis of universal, equal and direct suffrage by secret ballot. (23.02.2005 #1010)
2. A citizen, who has attained the age of 25, having the right to vote, may be elected a member of the Parliament.
3. The internal structure of the Parliament and procedure of its activity shall be determined by the Regulations of the Parliament.
4. The current expenditure for the Parliament of Georgia in the State Budget comparatively to the amount of budgetary means of the previous year may be reduced only by the prior consent of the Parliament. The Parliament shall adopt a decision itself on the distribution of the budgetary means of the Parliament in the State Budget. (6.02.2004.N3272)

Article 50

1. A political association of citizens registered in accordance with a procedure determined by law, the initiative of which is confirmed by the signatures of not less than 50,000 electors or which has a representative in the Parliament at the time elections are scheduled, shall have the right to stand for the elections, whereas the elections by the majority system, an individual, whose nomination is confirmed by at least 1,000 signatures or an individual who was a member of the Parliament as a result of the previous elections shall have the right to stand for the elections.
2. The mandates of the members of the Parliament shall be distributed only among those political associations and electoral blocks, which obtained at least seven per cent of the votes of the electors, participated in the elections held under the proportional system. (20.07.1999, # 2221)
- 2¹. Regular parliamentary elections shall be held in October of the year when the Parliament's term of office expires. The President of Georgia shall fix the date of elections within not later than 60 days before the elections. (27.12.06)
3. If the date of holding the elections coincides with a state of emergency or martial law, the

elections shall be held not later than 60 days after the state has been lifted. The President of Georgia shall fix the date of elections upon lifting of the state of emergency or martial law. In case of dissolution of the Parliament, extraordinary elections shall be held on the 60th day after enforcement of the order on the dissolution of the Parliament, the date of which shall be fixed by the President of Georgia upon enforcement of the order on the dissolution of the Parliament. (27.12.06)

3¹. The Parliament shall terminate the activity upon the enforcement of the order of the President on the dissolution of the Parliament. From the enforcement of the order of the President on the dissolution of the Parliament to the first convocation of the newly elected Parliament the dissolved Parliament shall assemble only in case of declaration of a state of emergency or martial law by the President to decide on the issues of prolongation or/and approval a state of emergency or martial law. In case the Parliament is not assembled within 5 days or does not approve (prolong) the order of the President on the declaration (prolongation) of a state of emergency, the announced state of emergency shall be cancelled. In case the Parliament does not approve the order of the President on the declaration (prolongation) of a state of martial law within 48 hours, the state of martial law shall be cancelled. Convocation of the Parliament shall not result in restoration of the offices and salaries of the members of the Parliament. The Parliament shall terminate an activity upon the adoption of a decision on the above mentioned issues. (6.02.2004.N3272)

4. The authority of the Parliament shall be terminated upon the first convocation of the newly elected Parliament.

5. The election procedure of a member of the Parliament as well as inadmissibility to stand for the elections shall be determined by the Constitution and the Organic Law.

Article 51

The first sitting of the newly elected Parliament of Georgia shall be held within 20 days after the elections. The day of the first sitting shall be scheduled by the President of Georgia. The Parliament shall begin its work if the authority of not less than two thirds of the members of the Parliament is confirmed.

Article 51¹

The Parliament shall be dissolved by the President only in cases determined by the Constitution, save for:

- a. within six months from the holding of the elections of the Parliament;
- b. discharging of an authority determined by Article 63 of the Constitution by the Parliament;
- c. in time of a state of emergency or martial law;
- d. within the last 6 months of the term of office of the President of Georgia.

(6.02.2004.N3272)

Article 52

1. A member of the Parliament of Georgia shall be a representative of the whole Georgia. He/she shall enjoy a free mandate and his/her recall shall be impermissible.

2. Arrest or detention of a member of the Parliament, the search of his/her apartment, car, workplace or

his/her person shall be permissible only by the consent of the Parliament, except in the cases when he/she is caught *flagrante delicto* which shall immediately be notified to the Parliament. Unless the Parliament gives the consent, the arrested or detained member of the Parliament shall immediately be released. (23.04.2004, #6)

3. A member of the Parliament shall have the right not to testify on the fact disclosed to him/her as to a member of the Parliament. Seizure of written materials connected with this matter shall be impermissible. The right shall also be reserved to a member of the Parliament after the termination of his/her office.

4. A member of the Parliament shall not be proceeded on the account of the ideas and opinions expressed by him/her in and outside the Parliament while performing his/her duties.

5. The conditions of unimpeded exercise of the authority by a member of the Parliament shall be guaranteed. On the basis of the application of a member of the Parliament the state bodies shall ensure his/her personal security.

6. The creation of impediments to the discharge of the duties by a member of the Parliament shall be punishable by law.

Article 53

1. A member of the Parliament shall not be entitled to hold any position in public office or engage in an entrepreneurial activity. The conflict of interests shall be determined by law.

2. In case of a violation of the requirements set out in the preceding paragraph, the office of a member of the Parliament shall be terminated.

3. A member of the Parliament shall receive remuneration as determined by law.

Article 54

1. The Parliament shall decide about the issue of the recognition or pre-term termination of the office of a member of the Parliament. The decision of the Parliament may be appealed to the Constitutional Court.

2. The office of a member of the Parliament shall be pre-term terminated in the following cases:

a. resignation from office by a personal application;

b. a final judgment of conviction is rendered by a court against him/her;

c. recognition by a court as legally incapable, missing or dead;

d. occupation of a position or engagement in an activity incompatible with the status of a member of the Parliament;

e. loss of Georgian citizenship;

f. failure to participate in the work of the Parliament for a period of four months without a good reason;

g. death.

Article 55

1. The Parliament of Georgia for the term of its authority, in accordance with a procedure established by the Regulations of the Parliament shall elect the President and the Vice-Presidents of the Parliament by a secret ballot, *inter alia*, one from the members of the Parliament elected respectively in Abkhazia and the Autonomous Republic of Ajara upon the submission of the latter. *(the change is added by the Constitutional Law of Georgia of 20 April 2000)*

2. The President of the Parliament shall lead the work of the Parliament, ensure free expression of opinions, sign acts adopted by the Parliament, perform other authorities provided for by the Regulations of the Parliament.

3. A Vice-President shall perform the responsibilities of the President under the instructions of the latter, in case of inability of the President to discharge his/her authority or his/her dismissal.

4. The President of the Parliament shall exercise all administrative functions in the House of the Parliament in accordance with a procedure provided for by the Regulations of the Parliament.

Article 56

1. With the view of the preliminary preparation of the legislative issues, facilitating the implementation of decisions, controlling the activities of the bodies accountable before the Parliament and the Government Committees shall be set up in the Parliament for the term of its authority.

2. In the cases defined in the Constitution and the Regulations of the Parliament as well as at the request of not less than one fourth of the deputies, investigative or other temporary commissions shall be set up in the Parliament. The representation of the parliamentary majority in such a commission shall not exceed half of the total number of the commission members.

3. At the request of the investigative commission, appearance before its sitting and submission of the documents necessary for examination of the issue shall be obligatory.

Article 57

1. With the view of organising the work of the Parliament, a Bureau of the Parliament shall be set up. It shall consist of the President of the Parliament of Georgia, the Vice-Presidents, Presidents of the Parliamentary Committees and Parliamentary Factions.

2. The issues concerning the appointment of the officials as defined by the Constitution shall be discussed by the Bureau upon the basis of the conclusion of the respective Committees and in accordance with a procedure provided for by the Regulations. The conclusion shall be submitted to the President and the Parliament. The Bureau shall adopt decisions on the issues relating to the organisation of the work of the Parliament.

Article 58

1. The members of the Parliament shall be entitled to unite in a Parliamentary Faction. The number of the members of the Parliamentary Faction shall be not less than seven. *(23.02.2005 #1010)*

2. The formation and functioning procedure of a faction and its authority shall be determined by law and the Regulations of the Parliament.

Article 59

1. A member of the Parliament shall be entitled to apply with a question to the bodies accountable to the Parliament, a member of the Government, the mayor of the city, the heads of executive bodies of the territorial units of any level, state institutions and to receive answers from them.
2. A group of at least ten members of the Parliament or a Parliamentary Faction shall be entitled to apply with a question to any body accountable to the Parliament, the Government, a particular member of the Government the latter being obliged to answer the raised questions at a sitting of the Parliament. The answer may become a matter of discussion of the Parliament.
3. The Parliament shall be authorised to raise a question of official liability of a particular member of the Government before the Prime Minister. In case the Prime Minister does not dismiss a member of the Government, he/she shall submit his/her motivated decision to the Parliament within two weeks.
(6.02.2004.N3272)

Article 60

1. Sittings of the Parliament shall be public. Under the decision of the majority of the members of the Parliament present, the Parliament shall be entitled to declare a sitting or a part thereof closed while discussing a particular issue.
2. A member of the Government, an official elected, appointed or approved by the Parliament, shall be entitled and in case of request shall be obliged to attend the sittings of the Parliament, its Committee or Commission, to answer the raised questions at a sitting and submit an account of an activity. At a request such an official shall be heard by the Parliament, Committee or Commission.
(6.02.2004.N3272)
3. Voting shall always be by open or individual except for the cases defined in the Constitution or law.
4. The minutes of the Parliament, except for secret matters, shall be published in the official gazette of the Parliament.

Article 61

1. The Parliament of Georgia shall assemble *ex officio* for a regular session twice a year. The autumn session shall open on the first Tuesday of September and close on the third Friday of December. The spring session shall open on the first Tuesday of February and close on the last Friday of June.
2. The President of Georgia at the request of the President of the Parliament, not less than one fourth of the members of the Parliament or on his/her own initiative during the period between regular sessions shall convene an special session of the Parliament and in the duration of a regular session – a special sitting. If within 48 hours after such a written submission was made, the President fails to issue the act of convocation, the Parliament shall be obliged to start its work within the following 48 hours in accordance with its Regulations.
3. Special sitting of the Parliament shall follow a specific agenda and it shall close upon the exhaustion of the agenda.
4. From the declaration of a state of emergency or martial law by the President, the Parliament shall assemble within 48 hours. The Parliament shall work until the end of the state.

Article 62

Decision of the Parliament on the issues of war and peace, state of emergency or martial law and issues determined by Article 46 of the Constitution shall be adopted by the majority of the total number of the members of the Parliament.

Article 63

1. Under the circumstances defined in the second paragraph of Article 75, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question of the dismissal of the President of Georgia in accordance with impeachment procedure. The case shall be submitted to the Supreme Court or Constitutional Court for a conclusion.

2. If, by its conclusion, the Supreme Court confirmed *corpus delicti* in the act of the President or the Constitutional Court confirmed the violation of the Constitution, after having discussed the conclusion the Parliament shall adopt a decision by the majority of votes of the total number of the members of the Parliament on putting the issue of impeachment of the President to the vote.

3. The President shall be deemed to be dismissed from the office in accordance with impeachment procedure, if not less than two thirds of the total number of the members of the Parliament supported the decision.

4. The issue shall be deemed stricken off if the Parliament fails to adopt the decision within a term of 30 days. Bringing of the same charge against the President shall be impermissible during the following one year.

5. Discussion of the charge brought against the President and the adoption of the decision in the Parliament shall be impermissible during war, a state of emergency or martial law.

Article 64

1. In case of the violation of the Constitution, commission of high treason and other criminal offences, not less than one third of the total number of the members of the Parliament shall be entitled to raise the question about the dismissal in accordance with impeachment procedure of the President of the Supreme Court, members of the Government, the Prosecutor General, the President of the Chamber of Control and members of the Council of National Bank.

2. After having received the conclusion in accordance with a procedure envisaged in the second paragraph of Article 63, the Parliament shall be authorised to dismiss the officials listed in the first paragraph of the present Article by the majority of the total number of the members of the Parliament. The requirements of the fourth paragraph of Article 63 shall apply to such cases as well.

Article 65

1. The Parliament of Georgia by the majority of the total number of the members of the Parliament shall ratify, denounce and annul the international treaties and agreements.

2. Apart from the international treaties and agreements providing for ratification, it shall also be obligatory to ratify an international treaty and agreement which:

a. provides for accession of Georgia to an international organisation or intergovernmental union;

b. is of a military character;

c. pertains to the territorial integrity of the state or change of the state frontiers;

d. is related to borrowing or lending loans by the state;

e. requires a change of domestic legislation, adoption of necessary laws and acts with force of law with the view of honouring the undertaken international obligations.

3. The Parliament shall be notified about the conclusion of other international treaties and agreements.

4. In case of lodging a constitutional claim or a submission with the Constitutional Court, ratification of the respective international treaty or agreement shall be impermissible before adjudication by the Constitutional Court.

Article 66

1. A draft law or a draft resolution shall be deemed to be adopted if it is supported by the majority of the members of the Parliament present, but not be less than one third of the total number of the members of Parliament unless the Constitution determines another procedure for the adoption of the draft law or draft resolution.

1¹. A Constitutional Agreement shall be deemed approved if it is supported by not less than three-fifth of the total number of the members of the Parliament. (30.03.2001, #826)

2. A draft Organic Law shall be deemed adopted if it is supported by more than half of the number of the members of the Parliament on the current nominal list.

3. The consent of the Parliament shall be adopted in the form of a resolution unless another procedure is defined by the Constitution.

4. The procedure for the adoption of other decisions shall be defined by the Regulations of the Parliament.

Article 67

1. The President of Georgia only in the exclusive cases, the Government, a member of the Parliament, a Parliamentary Faction, a Parliamentary Committee, the higher representative bodies of the Autonomous Republic of Abkhazia, the Autonomous Republic of Ajara, not less than 30,000 electors shall have the right to legislative initiative.

2. At the request of the President of Georgia, the Parliament shall give the priority to the discussion of a draft law submitted by the former.

3. In case the Government does not submit the remarks with regard to a draft law considering in the Parliament within a term provided for by law, the draft law shall be deemed approved.

(6.02.2004.N3272)

Article 68

1. A draft law adopted by the Parliament shall be submitted to the President of Georgia within a term of seven days. (6.02.2004.N 3272)

2. The President shall sign and promulgate the law within a term of ten days or return it to the Parliament with reasoned remarks.
3. If the President returns the draft law to the Parliament, the latter shall put to the vote the remarks of the President. For the adoption of the remarks the same number of votes shall suffice as determined for this kind of draft law by Article 66 of the Constitution. If the remarks are adopted, the final redaction of the draft law shall be submitted to the President who shall sign and promulgate it within a term of seven days.
4. If the Parliament rejects the remarks of the President, the initial redaction of the draft law shall be put to the vote. A law or an Organic Law shall be deemed to be adopted if it is supported by not less than three fifths of the number of the members of the Parliament on the current nominal list. The constitutional amendment shall be deemed to be passed if it is supported by not less than two thirds of the total number of the members of the Parliament.
5. If the President fails to promulgate the draft law within the defined term, the President of the Parliament shall sign and promulgate it.
6. A law shall enter into force on the fifteenth day after its official promulgation unless another term is defined.