

Part VII

The Constitutional Council

➤ *Article 46*

The Constitutional Council shall have jurisdiction in matters pertaining to the Constitution. It shall rule on the constitutionality of laws. It shall be the organ regulating the functioning of the institutions.

➤ *Article 47*

(1) The Constitutional Council shall give a final ruling on:

- the constitutionality of laws, treaties and international agreements;
- the constitutionality of the standing orders of the National Assembly and the Senate 'prior to their implementation;
- conflict of powers between State institutions; between the State and the Regions, and between the Regions.

(2) Matters may be referred to the Constitutional Council by the President of the Republic, the President of the National Assembly, the President of the Senate, one-third of the members of the National Assembly or one-third of the Senators.

Presidents of regional executives may refer matters to the Constitutional Council whenever the interests of their Regions are at stake.

(3) Laws as well as treaties and international agreements may, prior to their enactment, be referred to the Constitutional Council by the President of the Republic, the President of the National Assembly, the President of the Senate, one-third of the members of the National Assembly, one-third of the Senators, or the Presidents of regional executives pursuant to the provisions of paragraph (2) above.

Enactment deadlines shall cease to lapse once an instrument has been referred to the Constitutional Council.

(4) The Constitutional Council shall advise in matters falling under its jurisdiction.

➤ *Article 48*

(1) The Constitutional Council shall ensure the regularity of presidential elections, parliamentary elections and referendum operations. It shall proclaim the results thereof.

(2) Any challenges in respect of the regularity of one of the elections provided for in the preceding paragraph may be brought before the Constitutional Council by any candidate, political party that participated in the election in the constituency concerned or any person acting as Government agent at the election.

(3) Any challenges in respect of the regularity of a referendum may be referred to the Constitutional Council by the President of the Republic, the President of the National Assembly the President of the Senate, one-third of the members of the National Assembly or one-third of the Senators.

➤ *Article 49*

In any case, the Constitutional Council shall give ruling within a period of 15 (fifteen) days once a matter has been referred to it. However, at the request of the President of the Republic, such time-limit may be reduced to 8 (eight) days.

➤ *Article 50*

(1) Rulings of the Constitutional Council shall not be subject to appeal. They shall be binding on all public, administrative, military and judicial authorities, as well as, on all natural persons- and corporate bodies.

(2) A provision that has been declared unconstitutional may not be enacted or implemented.

➤ *Article 51*

(1) The Constitutional Council shall comprise 11 (eleven) members designated for a non-renewable term of office of 9 (nine) years. These members shall be chosen from among personalities of established professional renown. They must be of high moral integrity and proven competence.

(2) Members of the Constitutional Council shall be appointed by the President of the Republic. They shall be designated as follows:

- three, including the President of the Council, by the President of the Republic;
- three by the President of the National Assembly after consultation with the Bureau;
- three by the President of the Senate after consultation with the Bureau;
- two by the Higher Judicial Council.

Besides the eleven members provided for above, former Presidents of the Republic shall be ex-officio members of the Constitutional Council for life. In case of a tie, the President of the Constitutional Council shall have the casting vote.

(3) In the event of the death or resignation of a member or any other cause of incapacity or inability duly established by the competent bodies provided for by law, a replacement shall be designated by the competent authority or body concerned and appointed. to complete the term of office.

(4) Members of the Constitutional Council shall take the oath of office as laid down by law before Parliament meeting in congress.

(5) The duties of member of the Constitutional Council shall be incompatible with those of member of Government, of member of Parliament or of the Supreme Court. Other incompatibilities and matters relating to the status of members, namely obligations, immunities and privileges shall be laid down by law.

➤ *Article 52*

A law shall lay down the organization and functioning of the Constitutional Council, the conditions for referring matters to it as well as the procedure applicable before it.

PART VIII

The Court of Impeachment

Article 53

(1) The Court of Impeachment shall have jurisdiction, in respect of acts committed in the exercise of their functions, to try the President of the Republic for high treason and the Prime Minister, members of Government and persons ranking as such and senior government officials to whom powers have been delegated in pursuance of Articles 10 and 12 above, for conspiracy against the security of the State.

(2) The organization, composition and the conditions under which matters shall be referred to it as well as the procedure applicable before the Court of Impeachment shall be laid down by law.

PART IX

The Economic and Social Council

Article 54

There shall be an Economic and Social Council whose composition, duties and organization shall be laid down by law.