

**ORGANIC LAW OF GEORGIA  
ON THE CONSTITUTIONAL COURT OF GEORGIA**

*Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette, No 45, 21.11.1997, p. 54*

**Chapter I – General Provisions**

**Article 1**

1. The Constitutional Court of Georgia ('the Constitutional Court') is a judicial body of constitutional review which ensures the supremacy of the Constitution of Georgia, constitutional legality and protection of human constitutional rights and freedoms.
2. The Constitutional Court has jurisdiction over the entire territory of Georgia.

**Article 2**

The Constitutional Court shall carry out its activities on the basis of principles of legality, collegiality, openness, equal and adversarial arms, independence, immunity and permanence of members of the Constitutional Court for the entire term of their office.

**Article 3**

1. Organisation, jurisdiction and rules of procedure of the Constitutional Court shall be determined by the Constitution of Georgia and this Law. Other procedures for organisation of the Constitutional Court and constitutional proceedings shall be determined by the Rules of the Constitutional Court.
  2. It shall be mandatory to finance the Constitutional Court in an amount to ensure the exercise of its functions and the independence of judges. The Constitutional Court shall be funded from the State Budget of Georgia under a separate organisation code. The size of the state budgetary expenditures of the Constitutional Court may be reduced as compared to the corresponding expenditures of the previous year only with the prior consent of the Constitutional Court. The President of the Constitutional Court shall submit a draft budget related to the activities of the Constitutional Court as determined by law.
  3. A building and other property necessary for its functioning must be conveyed to the Constitutional Court.
  4. To ensure that the Constitutional Court performs its activities, the Office of the Constitutional Court shall be established. The structure, powers, rules of formation and procedure of the Office of the Constitutional Court shall be determined by Regulations approved by the Plenum of the Constitutional Court.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*  
*Organic Law of Georgia No 2187 of 1 December 2009 – LHGI, No 40, 7.12.2009, Art. 288*  
*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

**Article 4**

1. Members of the Constitutional Court shall be independent in performing their duties. They shall evaluate the actual facts and make decisions only under the Constitution of Georgia. Interference in their activities shall be inadmissible and punishable under the law.
  2. (Deleted).
  3. To ensure independence of the Constitutional Court members, the State shall be obliged to provide them with appropriate working and living conditions.
  4. The State shall ensure security of Constitutional Court members and their families.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

**Chapter II – Composition and Structure of the Constitutional Court**

**Article 5**

The Constitutional Court shall consist of nine judges – from the members of the Constitutional the President of the Constitutional Court, two Vice-Presidents and the Secretary to the Constitutional Court shall be elected.

**Article 6**

1. Three members of the Constitutional Court shall be appointed by the President of Georgia, three members shall be elected by the Parliament of Georgia by majority of at least three fifth of the full list of members of Parliament, and three members shall be appointed by the Supreme Court of Georgia.
  2. When appointing members of the Constitutional Court, their prior written consent shall be necessary.
- Organic Law of Georgia No 4742 of 19 February 2016 – website, 26.2.2016*  
*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

**Article 7**

1. A citizen of Georgia from the age of 35, who has higher legal education, at least 10 years' experience of working in



speciality and an outstanding professional qualification, may be a member of the Constitutional Court.

2. When selecting members of the Constitutional Court, the President, the Parliament and the Supreme Court of Georgia shall take into account the professional experience of a candidate which must be appropriate for the high status of a member of the Constitutional Court.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette, No 5-6, 24.4.1996, p. 73*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3399 of 23 June 2006 – LHGI, No 26, 14.7.2006, Art. 203*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 7<sup>1</sup>**

Three members of the Constitutional Court shall be appointed by the President of Georgia according to the requirements of Article 7 of this Law. The President of Georgia shall issue an edict on the appointment of Constitutional Court members.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette, No 5-6, 24.4.1996, p. 73*

## **Article 7<sup>2</sup>**

1. Three members of the Constitutional Court shall be elected by the Parliament of Georgia considering the requirements of Article 7 of this Law, under the procedure established by the Regulations of the Parliament of Georgia.

2. (Deleted – 6.12.2018, No 3906).

3. (Deleted – 6.12.2018, No 3906).

4. (Deleted – 6.12.2018, No 3906).

5. (Deleted – 6.12.2018, No 3906).

6. (Deleted – 6.12.2018, No 3906).

7. (Deleted – 6.12.2018, No 3906).

8. (Deleted – 6.12.2018, No 3906).

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette, No 5-6, 24.4.1996, p. 73*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 4742 of 19 February 2016 – website, 26.2.2016*

*Organic Law of Georgia No 3906 of 6 December 2018 – website, 14.12.2018*

## **Article 7<sup>3</sup>**

1. Three members of the Constitutional Court shall be appointed by the Supreme Court of Georgia in accordance with the requirements of Article 7 of this Law.

2. The President of the Supreme Court of Georgia shall nominate candidates for membership on the Constitutional Court at a plenary session of the Supreme Court. The three candidates who receive two thirds of the votes of the members present at the plenary session shall be deemed appointed.

*Law of Georgia No 155 of 21 March 1996 – The Parliament Gazette, No 5-6, 24.4.1996, p. 73.*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 8**

The term of office for a member of the Constitutional Court shall be 10 years.

A person who previously held this position may not be a member of the Constitutional Court.

## **Article 9**

1. A member of the Constitutional Court shall take the following oath of office before the Constitutional Court: 'I swear before God and the Nation that I will faithfully perform duties of a member of the Constitutional Court of Georgia and, when exercising them, I will obey no one else and nothing else but the Constitution of Georgia, only the Constitution of Georgia.'. The President of Georgia, the Chairperson of the Parliament of Georgia and the President of the Supreme Court of Georgia must be invited to attend the swearing-in ceremony.

2. The term of office of a member of the Constitutional Court shall commence from the date of his/her taking an oath.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

## **Article 10**

1. Not later than one month after taking of the oath by all members of the Constitutional Court or after premature termination of powers of the President of the Constitutional Court, a plenary session shall be held, at which the President of the Constitutional Court shall be elected for a five-year term. One and the same person may not be repeatedly elected as President of the Constitutional Court. Two Vice-Presidents of the Constitutional Court shall be elected in the same manner and for the same term. If at the time of elections less than five years are left until expiry of powers of the candidate for President of the Constitutional Court or his/her deputy as a member of court, he/she shall be elected for the remaining term of office of a member of the court.

2. A new President or a Vice-President of the Constitutional Court, respectively, shall be elected not later than one month before expiry of the term of office of the previous President or Vice-President of the Constitutional Court.



3. A candidate for President of the Constitutional Court may be nominated by at least three members of the Constitutional Court within two weeks after expiry of his/her term of office or premature termination of his/her powers as President of the Court. One member of the Constitutional Court may only sign the nomination of one candidate.
4. A candidate for Vice-President of the Constitutional Court shall be nominated by the President of the Constitutional Court.
5. The President and Vice-Presidents of the Constitutional Court shall be deemed elected if they are supported in a secret ballot by at least five members of the Constitutional Court.
- 5<sup>1</sup>. If only one person has been nominated as a candidate for President of the Constitutional Court and he/she has failed to receive votes sufficient for his/her election as President, a new candidate (candidates) shall, under the procedure established in paragraph 3 of this article, be nominated within one week, who will be deemed elected if he/she receives the number of votes as defined in paragraph 5 of this article. If two or three persons have been nominated as a candidate for President of the Constitutional Court and all of them have failed to receive votes sufficient for the election as President, a second voting shall be held the same day, in which two candidates with the best results are eligible to participate. If two candidates with the same results have taken the second place, all the three candidates shall participate in the second voting. If any of the candidates withdraws his/her candidacy, the remaining candidate (candidates) shall be voted for. If all of the candidates fail again to receive votes sufficient for the election as President, a new candidate (candidates) shall, under the procedure established in paragraph 3 of this article, be nominated within one week and the candidate elected as President shall be determined under the procedure established in this paragraph.
- 5<sup>2</sup>. If a candidate voted for as Deputy President of the Constitutional Court has failed to receive sufficient number of votes, a new candidate shall, under the procedure established in paragraph 4 of this article, be nominated within three days, who will be deemed elected if he/she receives the number of votes as defined in paragraph 5 of this article.
- 5<sup>3</sup>. (*Invalidated* – Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017)
6. Powers of the President or Vice-President of the Constitutional Court shall be prematurely terminated if there are grounds listed in Article 16 of this Law.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*
- Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*
- Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*
- Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*
- Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## Article 11

1. The Constitutional Court shall consist of the Plenum and two Boards.
  2. All nine members of the Constitutional Court shall compose the Plenum. Plenary sessions shall be presided over by the President of the Constitutional Court.
  3. The Board shall consist of four members of the Constitutional Court. The Board meetings shall be presided over by the Vice-President of the Constitutional Court.
  4. The composition of the Board shall be approved by the Plenum upon recommendation of the President of the Constitutional Court. Members of the Constitutional Court appointed by the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia shall be represented in Boards as equally as possible.
  5. The composition of the Board must be renewed within 10 days after a new President of the Constitutional Court is elected.
  6. The composition of the Board may also be renewed within one month after changing two or more members of the Constitutional Court.
- If two members of the Board fail to participate in a hearing by the same Board, the Plenum of the Constitutional Court shall be authorised to temporarily designate for that hearing one of the other Board members (except for the Chairperson of the Board), who may not be appointed as a reporting judge.
- Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

## Article 12

1. The President of the Constitutional Court shall:
  - a) submit the Rules of the Constitutional Court and the Regulations of the Office to the Plenum for approval. A member of the Constitutional Court shall have the right to require that amendments be made to the Rules and the Regulations of the Office;
  - b) distribute cases, and appoint a reporting judge for the session of the Plenum of the Constitutional Court under the procedure established by this Law;
  - c) submit candidates for Vice-Presidents and Secretary of the Constitutional Court to the Plenum;
  - d) convene the Plenum under procedures established by the Rules of the Constitutional Court, preside over plenary sessions, sign plenary decisions, rulings, conclusions, records of judgments and protocols of the sessions; approve the procedure for serving internship at the Office of the Constitutional Court;
  - e) be responsible for general administration of the Office of the Constitutional Court; appoint and dismiss the Office employees and interns according to the legislation of Georgia; sign labour contracts with other public servants of the Office; determine the amount of remuneration for interns;



f) administer the budgetary allocations of the Constitutional Court;

g) exercise other powers under the legislation and the Rules.

2. The President of the Constitutional Court shall, once a year, submit information on constitutional legality in Georgia to the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*

*Organic Law of Georgia No 4390 of 27 October 2015 – website, 11.11.2015*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Organic Law of Georgia No 170 of 21 December 2016 – website, 28.12.2016*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

### Article 13

1. The Vice-President of the Constitutional Court shall preside over the Board meetings and perform particular duties of the President of the Constitutional Court as assigned by the President. In the absence of the President of the Constitutional Court or if the President is unable to perform his/her duties, one of the Vice-Presidents shall act as the President as assigned by him/her, and if there is no such assignment, then the duties shall be performed by the eldest Vice-President.

2. If the Vice-President of the Constitutional Court fails to discharge his/her functions when temporarily acting as the President, the eldest member of the respective Board shall act as this Vice-President.

### Article 14

1. The Secretary of the Constitutional Court shall be elected by the Plenum of the Constitutional Court by secret ballot from among members of the Constitutional Court for a five-year term. A candidate for the Secretary of the Constitutional Court shall be nominated by the President of the Constitutional Court, and he/she shall be elected as Secretary if supported by at least five voting members of the Constitutional Court.

2. In addition to exercising powers of a member of Constitutional Court, the Secretary of the Constitutional Court shall:

a) make arrangements for Plenary sessions and Board meetings;

b) organise the keeping and documentation of minutes of Plenary sessions and Board meetings;

c) sign acts of the Constitutional Court under procedures established by the Rules of the Constitutional Court;

d) take measures to enforce the decisions of the Constitutional Court and make monthly reports to the Plenum on progress of their implementation;

e) facilitate the development of the system for electronic processing of necessary information;

f) organise the distribution of formal documentation of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

### Article 15

1. A member of the Constitutional Court shall enjoy personal inviolability. Criminal prosecution, arrest or detention of a Court member, search of his/her dwelling, car, workplace or his/her personal search shall be inadmissible without the consent of the Constitutional Court. Exception from this shall be catching the member *in flagrante delicto*, of which the Constitutional Court must be immediately notified. If the Constitutional Court fails to give its consent, an arrested or detained member of the Constitutional Court must immediately be released.

2. If the consent is given to initiate criminal proceedings against, or arrest or detain a member of the Constitutional Court, his/her membership of the Constitutional Court shall be suspended until a final judgment is made by a court. If a judgment of acquittal is made, or the proceedings are terminated against a member of the Constitutional Court on the basis of legal rehabilitation, membership on the Constitutional Court shall be reinstated after an appropriate judgment is made.

3. The decision under paragraph 1 of this article shall be deemed made if supported by at least six members of the Plenum of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

### Article 16

1. Powers of a member of the Constitutional Court shall be prematurely terminated if he/she has:

a) failed to perform his/her duties for six consecutive months or has not performed his/her duties for three months during a year without good reason;

b) taken a position incompatible with the status of a member of the Constitutional Court or has been engaged in an activity prohibited under Article 17 of this Law;

c) violated a requirement under Article 48 of this Law;

d) committed an act unworthy of a judge;

e) lost citizenship of Georgia;

f) been recognised as having limited capability or declared as a beneficiary of support by court, unless otherwise determined under court judgment;



- g) been guilty and there is a valid court judgment of conviction;
- h) died or has been recognised as missing or declared as deceased by a court;
- i) resigned his/her office.

2. In cases under paragraph 1(a-d) of this article, the membership on the Constitutional Court shall be prematurely terminated by a resolution of the Plenum of the Constitutional Court, which will be deemed adopted if supported by more than half of the full Constitutional Court. In cases under paragraph 1(e-i), the Plenum of the Constitutional Court shall, under procedures determined in the Rules, examine the documents submitted to it and if the facts contained therein are proved, the President of the Constitutional Court shall, by decree, formalise the premature termination of powers of a member of the Constitutional Court.

3. A Constitutional Court plenary resolution, as well as a decree by the President of the Constitutional Court on the premature termination of powers of a member of the Constitutional Court shall be immediately forwarded to the President of Georgia, the Parliament of Georgia and the Supreme Court of Georgia.

4. A new member of the Constitutional Court shall be appointed not later than 20 days after powers of a member of the Constitutional Court are prematurely terminated. His/her powers shall commence upon his/her taking the oath of office. If the premature termination of powers of a member of the Constitutional Court elected by the Parliament of Georgia coincides with the non-session period of the Parliament of Georgia, a new member of the Constitutional Court shall be appointed within two weeks from commencement of the nearest parliamentary session.

5. A new member of the Constitutional Court shall be appointed not earlier than one month and not later than 10 days before expiry of the term of office of a member of the Constitutional Court. His/her powers shall commence upon expiry of the 10-year term of office of his/her predecessor but not earlier than his/her taking the oath of office.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3399 of 20 March 2015 – website, 31.3.2015*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

## Article 17

The position of a member of the Constitutional Court shall be incompatible with any other post and remunerative work, except for scientific and pedagogical activities. He/she may not be a member of any political party and/or be engaged in political activity. From the date of taking the oath of office, a member of the Constitutional Court must resign from other positions and/or cease being engaged in the activity prohibited under this article. The Plenum of the Constitutional Court shall issue consent for carrying out scientific or pedagogical activities by a judge, as well as receiving benefits provided for by the Law of Georgia on the Fight against Corruption (except for the benefit prohibited under the legislation of Georgia) by a judge.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 398 of 1 April 2025 – website, 4.4.2025*

## Article 18

**Powers of a member of the Constitutional Court shall be terminated upon expiry of his/her 10-year term of office .**

**(The normative content of Article 18, which provides for termination of powers of a member of the Constitutional Court upon expiry of his/her 10-year term of office if an appropriate state body has failed to appoint/elect a new member and this fact, due to the lack of a required quorum, makes it impossible for the Constitutional Court of Georgia to exercise its powers, has been invalidated – Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017)**

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*

## Chapter II<sup>1</sup> – Labour Remuneration and Social Guarantees of a Member of the Constitutional Court

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## Article 18<sup>1</sup>

1. The amounts of official monthly salary rate for a member of the Constitutional Court shall be determined by multiplying the basic official salary established by the Law on the State Budget for the respective year by the following salary coefficients:

- a) for the President of the Constitutional Court – 10.00;
- b) for a deputy President of the Constitutional Court, and a secretary of the Constitutional Court – 9.00;
- c) for a judge of the Constitutional Court who does not hold a position provided for by subparagraphs (a) and (b) of this paragraph – 8.50.

2. The amount of the monthly salary increment for a member of the Constitutional Court shall be defined by the Plenum of the Constitutional Court within the funding allocated for the Constitutional Court under the state budget of Georgia.

3. Labour remuneration of a member of the Constitutional Court may not be reduced during the whole term of his/her office.

4. To cover representation expenses, representational sums shall be allocated to the Constitutional Court under the procedure established by the legislation of Georgia.



5. When on business trip abroad, the amount of a daily allowance increment for the President of the Constitutional Court, his/her deputy, and a member of the Constitutional Court shall be defined according to the ranking of similar officials of the state authority branches, as determined by an appropriate normative act.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 828 of 26 June 2025 – website, 27.6.2025*

## **Article 18<sup>2</sup>**

1. The procedure for assigning qualification categories to a member of the Constitutional Court shall be defined under the procedure established by the legislation of Georgia.

2. A member of the Constitutional Court shall use an annual paid leave, the duration of which is 30 calendar days.

3. Privileges of a member of the Constitutional Court shall be defined by the legislation of Georgia.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 18<sup>3</sup>**

1. A member of the Constitutional Court, upon expiry of his/her powers of a member of the Constitutional Court, or when he/she attains the retirement age, shall be allocated a state compensation in the amount of GEL 1 200.

2. A member of the Constitutional Court, whose powers of a member of the Constitutional Court were terminated on his/her own application after at least 3 years from his/her appointment to the Constitutional Court, shall be allocated a state compensation in the full amount of a respective salary of the member of the Constitutional Court, for the period during which he/she ought to have exercised the powers of a member of the Constitutional Court. This compensation, with the increment retained, shall change according to the change of the official monthly salary rate of the labour remuneration of an active member of the Constitutional Court, and after this period expires, the compensation shall be recalculated according to the amount of the state compensation provided for by paragraph 1 of this article.

3. If a member of the Constitutional Court dies, is declared missing or pronounced dead, his/her children until they attain the age of 18, his/her incapacitated spouse and children (regardless of age) shall be allocated the state compensation under the procedure and in the amount determined by the Law of Georgia on State Compensation and State Academic Stipends.

4. If a member or former member of the Constitutional Court dies as a result of an attack connected to his/her activity, his/her incapacitated spouse and/or children may be allocated, instead of the state compensation provided for in paragraph 3 of this article, a lump-sum financial allowance in the full amount of the monetary remuneration of the deceased person for 10 years, whichever they choose.

5. A member of the Constitutional Court, who became disabled as a result of an offence related to his/her performance of official duties, shall be allocated financial allowance:

a) for partial incapacity – in the amount of the official salary for one year;

b) for total incapacity – in the amount of the official salary for five years.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 861 of 26 June 2025 – website, 3.7.2025*

## **Chapter III – Powers of the Constitutional Court**

### **Article 19**

1. The Constitutional Court shall be authorised, on the basis of constitutional claim or constitutional submission, to consider and make decisions on:

a) issues regarding compliance of the constitutional agreements, laws of Georgia, normative resolutions of the Parliament of Georgia, normative acts of the President of Georgia, the Government of Georgia and higher bodies of the state authorities of the Autonomous Republics of Abkhazia and Ajara with the Constitution of Georgia, as well as of adoption/issuance, signature, promulgation and entry into force of legislative acts of Georgia and resolutions of the Parliament of Georgia with the Constitution of Georgia;

b) the basis of a claim of the President of Georgia, the Parliament of Georgia, the Government of Georgia, the High Council of Justice of Georgia, the General Prosecutor, the Council of the National Bank of Georgia, the Auditor General, the Public Defender of Georgia, or of the High Representative or Executive Body of an autonomous republic – a dispute on the powers of an appropriate body;

c) the issue of the constitutionality of formation of a political party and its activity, and the termination of powers of a member of a representative body elected upon recommendation of this political party;

d) a dispute regarding the constitutionality of regulatory standards for referendum and elections and of elections (referendum) held or to be held based on these standards;

e) the issue of the constitutionality of normative acts adopted in relation to the issues of Chapter Two of the Constitution of Georgia;

f) the issue of the constitutionality of an international agreement;

g) the issue of recognition or premature termination of powers of a member of the Parliament of Georgia;

h) the issue of violation of the Constitution of Georgia by, and/or existence of elements of crime in an action of the President of Georgia, a member of the Government of Georgia, a judge of the Supreme Court of Georgia, the General Prosecutor, the Auditor General or a member of the Council of the National Bank of Georgia;

i) a dispute on violation of the constitutional law of Georgia on the Autonomous Republic of Ajara;



j) the issue of compliance of normative acts of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, and the constitutional law of Georgia on the Autonomous Republic of Ajara;  
k) the issue of the constitutionality of normative acts in relation to Chapter 9 of the Constitution of Georgia;  
l) the issue of compliance of normative acts with Articles 59-64 of the Constitution of Georgia.  
2. If during hearing of a certain case in a common court the court finds that there is a reasonable belief to consider a normative act, which the court must apply when resolving the case, to be fully or partially non-compliant with the Constitution, it shall suspend hearing of the case and refer the issue to the Constitutional Court. **The hearing shall be resumed after the Constitutional Court resolves the issue.**

***(The normative content of the 2<sup>nd</sup> sentence of Article 19(2), which rules out the resumption of the proceedings suspended by the general court when a provision considered as unconstitutional by constitutional submission has ceased to be a law applicable to the suspended case, has been invalidated) – Judgement No 3/4/1648 of the Constitutional Court of Georgia of 21 April 2022 – website, 29.4.2022***

3. The Constitutional Court may not recognise a standard regulating the elections as unconstitutional during the respective election year unless this standard is adopted within 15 months before the respective election month.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 475 of 1 November 2008 – LHGI, No 30, 7.11.2008, Art. 182*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Judgement No 3/4/1648 of the Constitutional Court of Georgia of 21 April 2022 – website, 29.4.2022*

## **Article 20**

Recognition of a law or other normative act as unconstitutional shall not mean annulment of judicial sentences and decisions previously adopted on the basis of this act but shall entail only suspension of their enforcement under the procedures established by the procedural legislation.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

## **Article 21**

1. Issues under Article 19(1)(a, d, f, h-j, l), Article 19(2) and Article 25(5) of this Law, and issues of the constitutionality of the provision of the organic law shall be considered by the Plenum of the Constitutional Court.

2. Issues under Article 19(1)(b, c, e, g and k) of this Law shall be considered by the Board of the Constitutional Court.

3. (Deleted – 3.6.2016, No 5161).

4. A case that encompasses issues under jurisdiction of both the Plenum and the Board shall be considered by the Plenum of the Constitutional Court. If the Plenum of the Constitutional Court decides at its executive session that a case, which involves issues to be considered by the Plenum, is not admitted to court for consideration on the merits, it shall immediately refer a part of the case under jurisdiction of the Board of the Constitutional Court to the President of the Constitutional Court who shall, within seven days, in accordance with Article 31 of this Law, refer it to the Board for resolving the issue of considering the case on the merits.

5. A member of the Constitutional Court participating in a trial shall have no right to refuse to vote or abstain from voting.

6. If votes of members present at a Plenary/Board session are equally split when resolving a constitutional claim, the claim shall be dismissed.

7. If votes of members present at a Plenary session of the Constitutional Court are equally split when deciding on constitutional submission, the unconstitutionality of a normative act or a part thereof, constitutionality of which was questioned by a common court and/or the High Council of Justice of Georgia, shall not be deemed confirmed, neither shall be the violation of the Constitution of Georgia by a person specified in Article 48 of the Constitution of Georgia and/or existence of elements of crime in his/her action.

7<sup>1</sup>. If votes of members present at a session of the Plenum of the Constitutional Court are equally split when deciding on constitutional submission provided in Article 41<sup>2</sup> of this Law, the non-compliance of a disputable normative act or a part thereof with the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara, the constitutional agreement, international agreements of Georgia or laws of Georgia shall not be deemed confirmed.

8. The Board shall act as the Constitutional Court when considering and resolving a case.

9. Judges directly participating in the consideration of a case shall have the right to deliver a decision on the case. if, during a preliminary session and/or hearing of the case on the merits, any judge is replaced by another judge, the same stage of the case hearing shall commence from the beginning, if so requested by the latter.

10. Removal of any judge participating in a case hearing shall not impede further hearing of the case if the number of judges remaining constitutes a quorum of judges.

11. The court shall take a decision in the deliberations room by an open voting. During deliberations and decision-making, only the judges that have participated in the case hearing shall be present in the deliberations room.

12. A member of the Constitutional Court shall not have the right, before the case hearing commences, and without





asking the court, to express opinions or consult anyone on compliance of the laws or other acts to be considered with the Constitution of Georgia.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 3069 of 4 May 2010 – LHGI, No 25, 17.5.2010, Art. 170*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 21<sup>1</sup>**

1. If the Board of the Constitutional Court considers that its opinion, based on a case to be considered, dissents from a legal opinion expressed by the court in its earlier decision (decisions), or if a case to be considered in essence gives rise to a rare and/or particularly significant legal issue as to the interpretation and/or application of the Constitution, it shall be authorised, at any stage of consideration and resolution of the case, to refer the case by a reasoned ruling to the Plenum of the Constitutional Court for consideration. The president of the Constitutional Court shall, within seven days after referral of the case by the Board of the Constitutional Court, set a date by a respective resolution for an issue of admitting the case for consideration on the merits to be reviewed at a plenary session, and if the case is admitted for consideration on the merits, then he/she shall set the date for consideration on the merits. The identity of a reporting judge shall be indicated in the resolution under a separate item. If the case was referred to the Plenum due to a rare and/or especially significant legal issue of the interpretation and/or application of the constitution, the Plenum of the Constitutional Court shall, within two weeks, decide on the issue of considering the case at its plenary session adopting accordingly a record of judgment or ruling.

2. A record of judgment/ruling, decision or opinion of the Plenum of the Constitutional Court that differs from the case-law of the Constitutional Court, shall be deemed adopted if supported by majority of the full list of members of the Plenum of the Constitutional Court.

3. If a member of the Board of the Constitutional Court believes that his/her opinion, based on a case to be considered, dissents from the legal opinion expressed by the Court in its earlier decision (decisions), or if a case to be considered in essence gives rise to a rare and/or particularly significant legal issue as to the interpretation and/or application of the Constitution of Georgia, he/she shall have the right, at any stage of consideration and resolution of the case, to apply to the Plenum of the Constitutional Court with a reasoned written request to have the case considered by the Plenum. The Plenum of the Constitutional Court shall, within seven days of such a request, make a decision on whether or not to consider the case, and shall adopt an appropriate record of judgment or ruling, respectively. If the Plenum refuses to consider the case, it shall be referred back to the same Board for consideration.

4. In the instance provided for in paragraph 3 of this article the case shall be deemed admitted for consideration by the Plenum of the Constitutional Court, except when the Plenum refuses to consider the case by its ruling, which will be deemed adopted if supported by majority of the full list of members of the Plenum of the Constitutional Court.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*

## **Article 21<sup>2</sup>**

1. If the President of the Constitutional Court comes to a reasonable conclusion, when distributing an incoming constitutional claim between the Boards of the Constitutional Court as determined by constitutional proceedings, that a case under consideration may intrinsically give rise to a rare and/or especially significant legal issue of the interpretation and/or application of the constitution, the President of the Constitutional Court shall, within seven days after having the constitutional claim referred to it, address the Plenum with a substantiated written proposal on hearing the case by the Plenum.

2. The Plenum shall, within two weeks after receiving the proposal of the President of the Constitutional Court, decide on the issue of considering the case submitted by the President at its plenary session adopting accordingly a record of judgment or ruling. If it is a ruling, the President shall refer a case to one of the Boards under procedures established by the legislation of Georgia.

3. If the Plenum of the Constitutional Court positively resolves the issue provided for in paragraph 1 of this article, general rules under this Law for considering a case by the Plenum shall apply for further consideration of the case.

4. Hearing of cases under this article and Article 21<sup>1</sup> of this Law by the Plenum shall not suspend consideration and resolution of other cases in the Constitutional Court. The time limit for considering these cases must not exceed six months.

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 3711 of 15 October 2010 – LHGI, No 57, 25.10.2010, Art. 367*





### Article 21<sup>3</sup>

1. The Constitutional Court may, after a constitutional claim under Article 19(e) of this Law is admitted for consideration on the merits, apply to the European Court of Human Rights for an advisory opinion regarding those crucial case-related issues that are related to the interpretation or application of the rights and freedoms provided for under the Convention for the Protection of Human Rights and Fundamental Freedoms and the protocols thereto.
  2. The Constitutional Court shall substantiate the request for its application to the European Court of Human Rights for an advisory opinion, and shall submit appropriate case-related legal and factual circumstances to the European Court of Human Rights.
  3. The Constitutional Court shall notify the parties of its application to the European Court of Human Rights for an advisory opinion.
  4. The advisory opinion of the European Court of Human Rights shall have a non-binding nature.
  5. The running of the time limit under Article 22(1) of this Law shall be suspended from when the Constitutional Court applies to the European Court of Human Rights for an advisory opinion until when the advisory opinion is obtained.
- Organic Law of Georgia No 3669 of 29 May 2015 – website, 5.6.2015

### Article 21<sup>4</sup>

1. Any natural or legal person can apply to the Constitutional Court in the form approved by the Regulations of the Constitutional Court, with own written opinion regarding a specific case.
  2. The Constitutional Court shall not have the obligation to take the written opinion specified in paragraph 1 of this article into consideration.
  3. The Constitutional Court shall have the right, if it deems it necessary, to use an opinion provided by the *amicus curiae*, which can also be included in the reasoning part of the decision.
  4. If the Constitutional Court considers the written opinion of the *amicus curiae* sufficiently important, it shall have the right to summon him/her to the court session for asking additional questions.
- Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018

### Article 22

1. The time limit for consideration of a constitutional claim or constitutional submission must not exceed nine months after registration of the constitutional claim or constitutional submission with the Constitutional Court. In special cases, the President of the Constitutional Court shall extend the time limit for consideration of a claim by a maximum of two months.
  2. The time limit for consideration of a constitutional claim with respect to the constitutionality of the regulatory standards for elections or a referendum to be held and of the elections or a referendum to be held based on these standards must not exceed 30 days after lodging the claim with the Constitutional Court. A constitutional claim under this paragraph shall be lodged with the Constitutional Court not later than 30 days before setting elections to be held. The mentioned period shall not apply when a claim is related to imposition of obligation to set an election (referendum).
  3. The time limit for consideration of a claim with respect to the constitutionality of the regulatory standards for elections held, except for Georgian residential elections, or a referendum and of the elections or referendum held based on these standards must not exceed 30 days after lodging the claim with the Constitutional Court. In special cases, the President of the Constitutional Court shall extend the time limit for consideration of a claim by a maximum of 30 days.
  4. The time limit for consideration of a constitutional claim with respect to the constitutionality of the regulatory standards for conducted Georgian presidential elections and of Georgian presidential elections held based on these standards must not exceed 12 days after lodging the claim with the Constitutional Court.
  - 4<sup>1</sup>. (Invalidated – Judgment No 3/2/577 of the Constitutional Court of Georgia of 24 December 2014 – website, 12.1.2015)
  - 4<sup>2</sup>. The time limit for the Constitutional Court for making a decision on constitutional claim regarding the constitutionality of the activities of a political party and the termination of powers of a member of a representative body elected pursuant to the submission of that political party shall not exceed 9 months after filing that claim with the Constitutional Court, and in the case provided for by Article 36(2) of the Law of Georgia on Political Associations of Citizens – 14 days.
  5. The running of the time limit determined by paragraph 1 of this article shall be suspended for a period from admitting for consideration by the Constitutional Court a constitutional claim under paragraphs 2-4 and 4<sup>2</sup> of this article until making a decision with respect to that claim, as well as from admitting a constitutional submission for consideration by the Constitutional Court until issuing an opinion or making a decision with respect to the submission.
  6. If during consideration of a constitutional claim under paragraphs 2-4 and 4<sup>2</sup> of this article by the Constitutional Court another claim under the same paragraphs has been lodged with the Constitutional Court, the time limit for its consideration shall run from the date of making a decision regarding a claim pending consideration on the merits.
- Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette No 45, 21.11.1997, p. 54.  
Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14  
Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171  
Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17



## **Article 23**

1. Satisfaction of a constitutional claim concerning issues under Article 19(1)(a, e, k) of this Law, and confirmation of the unconstitutionality of a normative act or its part in the cases identified in paragraph 1(l) and paragraph 2 of the same article, shall result in recognition of the normative act or its part, which has been recognised as unconstitutional, as void from the moment of promulgation of an appropriate judgment of the Constitutional Court.

2. Satisfaction of a constitutional claim concerning the issue provided for by Article 19(1)(b) of this Law shall result in recognition as unconstitutional of a legal act or a part thereof, or of an action or inaction that has, fully or partially, encroached on constitutional powers of a claimant.

3. Satisfaction of a constitutional claim concerning the issue provided for by Article 19(1)(c) of this Law shall entail the cancellation of a registration act of a political party.

4. Satisfaction of a constitutional claim concerning the constitutionality of regulatory standards for elections or a referendum to be conducted and of election (referendum) to be conducted based on these standards shall result in:

a) recognition of a normative act or its part that is declared as unconstitutional as void from the promulgation of a relevant judgment of the Constitutional Court;

b) cancellation of the set elections (referendum) if setting of elections (referendum) is based on a normative act or its part that is declared as unconstitutional;

c) imposition of an obligation to set elections (referendum) if the decision to not to set elections (referendum) is based on an unconstitutional normative act or its part.

4<sup>1</sup>. Satisfaction of a constitutional claim concerning the constitutionality of regulatory standards for conducted elections (referendum) and of the elections (referendum) conducted based on these standards shall result in:

a) recognition of a normative act or its part regulating the conducted elections or referendum and declared as unconstitutional as void;

b) declaration of the elections or referendum results, in whole or in part (according to individual electoral districts and precincts), as invalid if a normative act or its part declared as unconstitutional has essentially and decisively affected the election results which, in the absence of the unconstitutional act or its part, would be different from the existing ones.

5. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(f) of this Law, and recognition as unconstitutional of an international agreement or a part thereof based on the constitutional submission of a common court shall entail the recognition as void for Georgia of the international agreement or the part thereof that was recognised as unconstitutional; and recognition as unconstitutional of a an international agreement or a part thereof on the basis of the constitutional submission shall entail the inadmissibility of ratification of the international agreement that was recognised as unconstitutional.

6. Satisfaction of a constitutional claim concerning an issue under Article 19(1)(g) of this Law shall result in:

a) declaration of a relevant resolution of the Parliament of Georgia as void from its entry into force, and in restoration of powers of a member of Parliament, if his/her powers were prematurely terminated by the Parliament;

b) declaration of a relevant resolution as void from its entry into force, and in recognition of powers of a citizen as a member of Parliament, if the Parliament refused to recognise his/her powers;

c) declaration of a relevant resolution as void from the promulgation of a Constitutional Court judgment, and in premature termination of powers of a member of Parliament, if the Parliament failed to prematurely terminate his/her powers;

d) declaration of a resolution (or its part) as void from the promulgation of the Constitutional Court judgment by which the Parliament recognised powers of a member of Parliament.

7. With respect to an issue provide for in Article 19(1)(h) of this Law, the Constitutional Court shall establish or reject the constitutionality of an action of a person specified in Articles 48 of the Constitution of Georgia and/or the existence of elements of crime in his/her action.

8. Satisfaction of a constitutional claim concerning issues under Article 19(1)(i) of this Law shall result in declaration of a disputable act or its part as void from the promulgation of a relevant judgment of the Constitutional Court.

9. In the cases provided for in Article 19(1)(j) of this Law, confirmation of the non-compliance of a normative act or its part of the Supreme Council of the Autonomous Republic of Ajara with the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara, the constitutional agreement, international agreements of Georgia or laws of Georgia shall result in a recognition of the disputable act or its part as invalid from the moment when a respective judgment of the Constitutional Court is published.

10. In cases described in Article 25(4<sup>1</sup>) of this Law, a disputable act shall become void from the promulgation of a relevant ruling of the Constitutional Court.



*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 1511 of 14 April 2022 – website, 27.4.2022*

## **Article 24**

1. All state bodies, legal and natural persons, political parties and public associations of citizens, municipality bodies shall comply with the requirements regarding the resolution of a case by the Constitutional Court and its members, originated out of their authority.

2. The Constitutional Court and its members shall be authorised to receive information regarding the resolution of a case from all state bodies, legal and natural persons, scientific institutions and information centres, to invite specialists for conducting expert advisory activities in accordance with the regulations.

2<sup>1</sup>. In cases described in Article 22(4<sup>1</sup>) of this Law, the Constitutional Court and its members shall be authorised to define a reasonable time limit for receiving information specified in paragraph 2 of this article, and the respective entity shall be obliged to provide the Court with the requested information within this time limit.

3. Failure to perform a requirement derived from powers of the Constitutional Court and its members or prevention of its performance shall be punishable by law.

*Organic Law of Georgia No 649 of 30 May 2013 – website, 12.6.2013*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 6865 of 15 July 2020 – website, 28.7.2020*

## **Article 25**

1. A judgment of the Constitutional Court shall be final and its non-performance shall be punishable by law.

2. A legal act or a part thereof recognised as unconstitutional shall become lose effect from the moment the Constitutional Court publishes a respective judgment, unless the respective judgment sets a different, later time limit for the legal act or the part thereof to lose effect.

3. An act of the Constitutional Court must be enforced immediately after promulgation, unless a different time limit is set in the act.

4. After the Constitutional Court declares a legal act or its part as unconstitutional, it shall be inadmissible to adopt/issue a legal act that contains the same standards that have been declared unconstitutional.

4<sup>1</sup>. If the Constitutional Court determines at its executive session that a disputed normative act or its part contains the same standards that have already been declared unconstitutional by the Constitutional Court, and in the case under Article 19(1)(i) of this Law – as non-compliant with the Constitutional Law of Georgia on the Autonomous Republic of Ajara; in the cases described in Article 19(1)(j) of the same Law – as non-compliant with the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara, the constitutional agreement, international agreements of Georgia or laws of Georgia, and if there are no grounds under Article 21<sup>1</sup>(1) of this Law, it shall deliver a ruling on the inadmissibility of the case for consideration on the merits and on the recognition as void of a disputed act or its part. This ruling shall enter into force upon its publication.

5. If the Constitutional Court finds that operation of a normative act may entail irreparable consequences to one of the parties, the current issue shall be referred to the Plenum of the Constitutional Court for consideration which, by the decision adopted by majority of the full list of the Plenum at the executive session, can suspend the operation of a disputed act or its relevant part until a final judgment on the case is adopted or for a less period of time. The Constitutional Court shall be authorised, at any stage of consideration of the case, at its own initiative or at the request of the parties, to review the judgment on suspension of the operation of the disputed act or its relevant part if the circumstances used as a basis for this judgment no longer exist. The judgment on suspension of the operation of the disputed act or its relevant part, as well as on revocation of this judgment shall enter into force upon publication of an appropriate record of judgment. After the Plenum of the Constitutional Court adopts the judgment on suspension of the operation of the disputed act or its relevant part, or on refusal to suspend such operation, the case shall be considered and final judgment shall be adopted by the Board of the Constitutional Court or the Plenum under the procedure established by Article 21 (1, 2 and 4) of this Law.

6. The publication of an act of the Constitutional Court shall mean the publication of its full text at the website of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 649 of 30 May 2013 – website, 12.6.2013*

*Judgment No 3/2/577 of the Constitutional Court of Georgia of 24 December 2014 – website, 12.1.2015*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 26**

1. The Constitutional Court shall have no right to judge the compliance of an entire law or other normative act with the Constitution, if a claimant or an author of the submission demands that only a certain provision of the law or other



normative act be recognised as unconstitutional.

1<sup>1</sup>. In the cases described in Article 41<sup>1</sup> of this Law, the Constitutional Court shall have no right to judge the compliance of an entire normative act with the Constitutional Law of Georgia on the Autonomous Republic of Ajara, and in the cases described in Article 41<sup>2</sup> of this Law – with the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara if a claimant or the author of the submission demands that only a certain provision of a disputable act be recognised as invalid.

2. When establishing the constitutionality of a normative act in cases provided for by Article 19(1)(a, d, e, f, k, l) and (2) of this Law, the Constitutional Court shall verify compliance of its content with the Constitution of Georgia.

2<sup>1</sup>. In the case provided for by Article 19(1)(b) of this Law, the Constitutional Court shall:

a) when evaluating a legal act of an appropriate body/a part thereof, verify compliance of the legal act/the part thereof with the Constitution of Georgia;

b) when evaluating an action/inaction of an appropriate body, verify compliance of the action/inaction with the Constitution of Georgia.

3. When verifying a normative act, the Constitutional Court shall take into consideration not only the literal meaning of a disputed provision but also the true intent expressed therein and the practical application of this provision, and the gist of a respective constitutional standard. When identifying the issue of a disputed significance, the Constitutional Court can also take account of the explanations contained in the judgments of the European Court of Human Rights on a similar legal issue.

4. In the cases described in Article 19(1)(h) of this Law, the Constitutional Court shall evaluate only an action deemed to be grounds for the impeachment by the members of Parliament who raised the issue of impeachment.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 1511 of 14 April 2022 – website, 27.4.2022*

*Organic Law of Georgia No 1914 of 18 October 2022 – website, 24.10.2022*

## **Chapter IV – General procedure for consideration and resolution of cases before the Constitutional Court**

### **Article 27**

1. Constitutional Court hearings shall be open to the public.

2. To protect personal, professional, commercial or state secrets, on the initiative of the Constitutional Court or on application of the parties, a Constitutional Court session or part of it may be closed to the public. Witnesses, experts and interpreters may attend a closed session, if necessary. The Constitutional Court may also allow other persons to attend a closed session on application of the parties.

3. The Constitutional Court shall adopt a judgment to consider a case at a closed session in the deliberation room.

4. (Deleted).

5. The decision of the Constitutional Court shall be announced publicly.

6. An armed person shall not be allowed to attend a court session, except for persons protecting the Constitutional Court. They shall be allowed only by permission of the President of the Constitutional Court.

7. Radio, TV, voice or video recording may be allowed at a court session only with the consent of a court hearing a specific case.

8. This article shall not apply when the Constitutional Court considers a case without an oral hearing.

*Organic Law of Georgia No 3069 of 4 May 2010 – LHGI, No 25, 17.5.2010, Art. 170*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

### **Article 27<sup>1</sup>**

1. A court session shall be held orally, except as provided for by this article.

2. The issue of admitting a case for consideration on the merits shall be reviewed without an oral hearing. The Constitutional Court shall be authorised to consider a case at an oral hearing if otherwise impossible to clarify the circumstances with respect to admitting a case for consideration on the merits.

3. The Constitutional Court shall, when admitting a constitutional claim/constitutional submission for consideration on the merits, indicate in the record of session about the consideration of the case without an oral hearing.

4. When considering a case without an oral hearing, the Constitutional Court shall have the right, in order to examine the case-related circumstances completely and comprehensively, to receive the record of session on oral hearing of the case, which will be immediately notified to the parties.

5. The Constitutional Court shall be authorised, to consider a case on the merits without an oral hearing based on a written request of a plaintiff and/or a defendant.

6. A plaintiff's request to consider a case without an oral hearing must be submitted together with the constitutional claim/constitutional submission, or within a period of 10 days after the plaintiff receives a record of judgment on admitting the constitutional claim/constitutional submission for consideration. The Constitutional Court shall send the



plaintiff's request to the defendant upon receipt.

7. A defendant's request to consider a case without an oral hearing must be submitted within a period of 10 days after the defendant receives the constitutional claim/constitutional submission or a record of judgment admitting the constitutional claim/constitutional submission for consideration. The Constitutional Court shall send the defendant's request to the plaintiff upon receipt.

8. If the defendant, within 10 days after receiving a notice from the Constitutional Court of the plaintiff's request, and the plaintiff, within a period of 10 days of receiving a notice from the Constitutional Court of the defendant's request, fail to require an oral hearing of a case, the Constitutional Court shall have the right to consider the case without an oral hearing.

9. If the legal circumstances being the grounds for resolving the issue have been significantly changed, the Constitutional Court may, at any stage of the proceedings, hold a rehearing of a case.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 27<sup>2</sup>**

1. A court session shall be held continuously during a working day. The Constitutional Court may, with the agreement of both parties, hold a session at any time.

2. The Court may adjourn or suspend a proceeding if it is necessary to additionally summon witnesses and specialists, carry out an expert examination, request additional evidence, and to avoid other circumstances impeding the proceeding. The proceeding shall be resumed from the moment it was suspended.

3. A member of the Constitutional Court participating in a proceeding shall have the right, until the end of an adjourned or suspended proceeding, to participate in another proceeding.

4. When hearing or resolving a constitutional claim and/or a constitutional submission, the Plenum/Board of the Constitutional Court may hear or resolve the issue of admitting another constitutional claim and/or constitutional submission for consideration on the merits. The Plenum/Board of the Constitutional Court may, after completing consideration of the constitutional claim and/or constitutional submission on the merits and retiring to the deliberations room, consider another constitutional claim and/or constitutional submission on the merits and resolve it.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 27<sup>3</sup>**

1. Participants to the proceedings shall be:

a) the Parties – persons and bodies who, under Articles 33-40, 41<sup>1</sup> and 41<sup>3</sup> of this Law, are considered as claimants and defendants;

b) representatives of the Parties – authorised persons to whom the Parties have delegated their powers under the statutory procedure. A representative must be appointed to the Constitutional Court if the number of persons filing a constitutional claim/a constitutional submission is more than two, or if a person filing a constitutional claim/a constitutional submission is placed in a penitentiary facility. The power of attorney for a representative of a Party must be certified notarially or under the procedure established for an institution concerned;

c) defenders of the Parties' interests – defence lawyers who, under the legislation of Georgia, shall be authorised to practise law, or other persons with higher legal education who participate in the proceedings only together with the Parties or their representatives. Both a Party and its representative shall have the right to appoint them.

2. The Constitutional Court shall consider constitutional submissions provided for in Article 19(1)(f, h and j) and (2) of this Law on the merits without the authors of the submissions and their representatives. The Constitutional Court may invite the authors of the submissions, and when preparing an opinion on the issue under paragraph 1(h) of the article, the Constitutional Court may also invite the officials concerned and hear their explanations, but it shall not recognise these persons as a Party. The aforementioned officials, whether or not they will be invited to the court proceedings, shall have the right to submit written explanations to the Constitutional Court.

3. Participants to constitutional proceedings shall have the obligation to exercise their rights in good faith. Intentional communication of false information to the Constitutional Court shall entail liability provided for by the law.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 27<sup>4</sup>**

1. The Plenum of the Constitutional Court shall consider a case on the merits at a session of the Plenum, which is chaired by the President of the Constitutional Court or the acting President.

2. The Board of the Constitutional Court shall consider a case on the merits at a session of the Board, which is chaired by the Chairperson of the Board or the acting Chairperson.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 27<sup>5</sup>**

1. Before consideration of a case on the merits is started, the Chairperson of a session shall:

a) open the session of the Constitutional Court, and announce which case is to be considered on the merits;

b) check a quorum of the judges, and the presence of the secretary of the session responsible for holding the session;



- c) verify the authority of the Parties;
  - d) check if the participants to the proceedings, witnesses, experts and specialists have appeared, and find out the reasons for their nonappearance;
  - e) announce the members of the Constitutional Court hearing the case, and the secretary of the session;
  - f) explain to the participants to the proceedings their rights and duties as defined by this Law;
  - g) find out whether the participants to the proceedings wish the witnesses, experts and specialists to be summoned additionally, or additional evidence to be requested. The Court shall make a decision with regard to the motions received concerning these issues by majority of votes present in the session hall;
  - h) announce the start of consideration of the case on the merits.
2. A Party shall have the right to raise an issue before the Constitutional Court hearing the case regarding the challenge of an expert, a specialist or an interpreter participating in the proceedings if:
- a) the expert, specialist or interpreter has interest, direct or indirect, in the result of the case, or there is another circumstance which casts doubt on the impartiality of a member of the Constitutional Court.
3. If there are grounds provided for in paragraph 2 of this article, the member of the Constitutional Court, expert, specialist, or the interpreter shall have the right to avoid participation in the proceedings.
4. The Constitutional Court shall resolve the issue of challenge under the procedure established by the procedural law.
- Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## Article 27<sup>6</sup>

1. Consideration of a case on the merits shall start with a report of the reporting member of the Constitutional Court. The reporter on the case shall:
- a) report to the Constitutional Court on the grounds for initiating proceedings in the Constitutional Court and for considering the case of the merits, and the contents of the case materials;
  - b) answer questions of the members of the Constitutional Court participating in the proceedings.
2. After the report on the case, the Constitutional Court shall hear explanations of the claimant first, and then of the defendant. A member of the Constitutional Court participating in the proceedings shall have the right to ask questions to the Parties and their representatives.
3. After hearing the Parties, the Constitutional Court shall hear testimonies of the witnesses, experts and specialists, and shall publish the written evidence present in the case and those submitted by the participants of the proceedings. Before examining the experts and specialists, the Chairperson of the session shall establish their identity and shall notify them in writing about the liability provided for by law for the refusal to testify and for the intentional false testimony, or for a false opinion. The Chairperson shall also notify the interpreter about the liability for the intentional mistranslation. The liability for the refusal to testify or for the intentional false testimony shall be incurred under the procedure established by the Criminal Code of Georgia.
4. A member of the Constitutional Court participating in the proceedings shall have the right to ask questions to the witnesses, experts and specialists.
5. The Chairperson of the session may, on the motion of the Parties, as well as on his/her own initiative or at the initiative of a member of the Constitutional Court participating in the proceedings and with the consent of the majority of members of the Constitutional Court participating in the proceedings, dismiss a question asked to the Parties, witnesses, experts, specialists and to the *amicus curiae*.
6. After consideration of all the evidence in the case, the Constitutional Court shall hear concluding words of the participants of the proceedings. The claimant or his/her representative and lawyer shall speak first. After hearing of the concluding words, the Court shall retire to the deliberations room, about what the Chairperson of the session announces to the participants of the proceedings and other persons present in the session hall.
- Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## Article 28

Legal proceedings before the Constitutional Court shall be conducted in the Georgian language.

The court shall be obliged to assign an interpreter to a participant in a case who has no command of the language of the proceedings.

## Article 29

1. The parties shall have the right to familiarise themselves with the case material, make extracts, take copies, substantiate their claims, present evidence, participate in examination of the evidence, put questions to witnesses, experts and specialists, file motions with the Constitutional Court, give oral or written explanations to it, submit their conclusions and express opinions regarding all the issues raised during the hearing, reject or expunge the evidence, claims, motions, conclusions and opinions of the other party.
2. A claimant shall have the right to reduce the amount of claim, or refuse the statement of claim. The refusal of the statement of claim and the revocation of a disputed act at the time of the case hearing or its declaration as invalid shall entail the termination of the case in the Constitutional Court, except as provided for by paragraph 7 of this article.
3. The author of a constitutional submission filed with regard to the issue provided for by Article 19(1)(h) of this Law may, at any stage of the constitutional proceeding, refuse the constitutional submission to be heard and request termination of the case in the Constitutional Court. For this purpose, he/she must apply to the Constitutional Court in



writing, who is obligated to satisfy the request.

4. The author of a constitutional submission filed with regard to the issue provided for by Article 19(1)(j) of this Law may, at any stage of the constitutional proceeding, refuse the constitutional submission to be heard and request termination of the case in the Constitutional Court. For this purpose, he/she must apply to the Constitutional Court in writing. The refusal of the constitutional submission to be heard and the revocation of a disputed act at the time of the case hearing or its declaration as invalid shall entail the termination of the case in the Constitutional Court, except as provided for by paragraph 7 of this article.

5. A common court filing a constitutional submission with the Constitutional Court and/or the High Council of Justice of Georgia shall not be authorised to refuse the constitutional submission to be heard and to request termination of the case in the Constitutional Court.

6. A defendant shall be authorised, at any stage of a constitutional proceeding, to admit, fully or partially, a claim. The admission of the claim by the defendant shall not entail termination of the case in the Constitutional Court.

7. If the Constitutional Court revokes a disputed act or declares it as invalid after having admitted a case for consideration on the merits, when the case refers to the rights and freedoms recognised by Chapter 2 of the Constitution of Georgia, the Constitutional Court may continue with the proceedings and resolve the issue of compliance of the revoked or invalidated disputed act with the Constitution of Georgia only when its resolution is particularly important for insuring the constitutional rights and freedoms.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 30**

1. The parties, at any stage of the hearing, shall have the right to entrust the protection of their interests to a lawyer or other person with higher legal education.

2. The parties, at any stage of the hearing, shall have the right to entrust the exercise of their powers to an agent – a representative.

## **Article 31**

1. Grounds for initiating constitutional proceedings shall be the submission of a constitutional claim or a constitutional submission in writing to the Constitutional Court. An application form of a constitutional claim/submission shall be approved by the Plenum of the Constitutional Court.

2. A constitutional claim or a constitutional submission must be substantiated. It shall be necessary that the constitutional claim or submission include evidence that, in the opinion of the plaintiff or the author of submission, prove the grounds for the constitutional claim or constitutional submission. Test cases of the European Court of Human Rights regarding the similar legal issue may also be indicated in the constitutional claim and constitutional submission.

3. A constitutional submission shall be filed with respect to the issues under Article 19(1)(h, j and l) and (2) of this Law, and with respect to the issue under paragraph 1(f) of the same article (in the case provided for in Article 38(2) of this Law), and a constitutional claim shall file with respect to the rest of the issues.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 1914 of 18 October 2022 – website, 24.10.2022*

## **Article 31<sup>1</sup>**

1. A constitutional claim must be drawn up according to an appropriate claim application form approved by the Constitutional Court. The constitutional claim must be signed by the claimant/claimants (if the claimant is the President of Georgia or a group of Members of the Parliament of Georgia, his/her/their signatures must be certified under the procedure defined by Article 27<sup>3</sup>(1)(b) of this Law) and must include the following:

- a) the name of the Constitutional Court;
- b) the names and addresses of the claimant and the defendant;
- c) the title of the disputed legal act, the name of an entity that adopted/issued it and the date of adoption/issuance;
- d) provisions of the Constitution of Georgia which, in the claimant's opinion, the disputed legal act is noncompliant with, or are violated by the disputed legal act, or in violation of which a legislative act of Georgia or a resolution of the Parliament of Georgia has been adopted/issued, signed, published, or has become effective;
- e) evidence that, in the claimant's opinion, confirm the reasonableness of the constitutional claim;
- f) the essence of the claim;
- g) provisions of the Constitution of Georgia and of this Law that give the right to a claimant to file a constitutional claim;
- h) the list of documents attached to the constitutional claim, and the list and the addresses of persons that, in the claimant's opinion, must be summoned by the Constitutional Court;
- i) the request for consideration of the case without oral hearing if the claimant requests the consideration of the case without oral hearing.

2. The following must be attached to the constitutional claim specified in paragraph 1 of this article:

- a) the wording of the disputed legal act;
- b) the document certifying the powers of the representatives and interest defenders of the claimant, which shall include their addresses;





- c) the document from a banking institution about payment of the state duty;
  - d) the electronic version of the constitutional claim.
3. A constitutional claim filed with respect to the issue under Article 19(1)(c) of this Law must include the following:
- a) the name of the Constitutional Court;
  - b) names and addresses of the claimant and the defendant;
  - c) the name, the identification code and the date of registration of the political party regarding the constitutionality of formation and/or activity of which the claimant is in dispute; and the list of members of a representative body elected upon recommendation of this political party, if any;
  - d) the essence of the claim;
  - e) evidence that, in the claimant's opinion, confirm the reasonableness of the constitutional claim;
  - f) provisions of the Constitution of Georgia and of this Law that give the right to a claimant to file a constitutional claim;
  - g) the list of documents attached to the constitutional claim, and the list and the addresses of persons that, in the claimant's opinion, must be summoned by the Constitutional Court;
  - h) the request for consideration of the case without oral hearing if the claimant requests the consideration of the case without oral hearing.
4. The following must be attached to the constitutional claim filed with respect to the issue under Article 19(1)(c) of this Law:
- a) the registration documentation of the political party regarding the constitutionality of formation and/or activity of which the claimant is in dispute;
  - b) the document certifying the powers of the representatives and interest defenders of the claimant, which shall include their addresses;
  - c) the document from a banking institution about payment of the state duty;
  - d) the electronic version of the constitutional claim.
5. A constitutional submission filed with respect to the issues under Article 19(1)(f and h) of this Law must be signed by the authors of the submission (if the author of the submission is a group of Members of the Parliament of Georgia, their signatures must be certified under the procedure defined by Article 27<sup>3</sup>(1)(b) of this Law) and must include the following:
- a) the name of the Constitutional Court;
  - b) the names and addresses of the authors of the constitutional submission;
  - c) the title of the disputed international agreement, the name of its signatory and the date of signature if the submission refers to the issue provided for by Article 19(1)(f) of this Law, or the name of the official if the submission refers to the issue provided for by Article 19(1)(h) of this Law;
  - d) provisions of the Constitution of Georgia which, in the opinion of the authors of the constitutional submission, the disputed international agreement is noncompliant with, or are violated by the disputed international agreement;
  - e) provisions of the Constitution of Georgia which, in the opinion of the authors of the constitutional submission, are violated by an official, and/or the article/articles of the Criminal Code of Georgia a crime under which, in the opinion of the authors of the constitutional submission, the official has committed; and the description of an action which, in the opinion of the authors of the constitutional submission, is the ground for the impeachment;
  - f) evidence that, in the opinion of the authors of the submission, confirm the reasonableness of the constitutional submission;
  - g) the essence of the claim;
  - h) provisions of the Constitution of Georgia and of this Law that give the right to the authors of the submission to file a constitutional submission;
  - g) the list of documents attached to the constitutional submission, and the list and the addresses of persons that, in the opinion of the authors of the submission, must be summoned by the Constitutional Court.
6. The following must be attached to the constitutional submission specified in paragraph 5 of this article:
- a) the wording of the disputed international agreement if the submission refers to the issue under Article 19(1)(f) of this Law;
  - b) the document certifying the powers of the representatives of the authors of the constitutional submission, which shall include their addresses;
  - c) the document from a banking institution about payment of the state duty;
  - d) the electronic version of the constitutional submission.
7. A constitutional claim filed with respect to the issue under Article 19(1)(i) of this Law must be signed by the claimants (if the claimant is a group of Members of the Parliament of Georgia, their signatures must be certified under the procedure defined by Article 27<sup>3</sup>(1)(b) of this Law) and must include the following:
- a) the name of the Constitutional Court;
  - b) the names and addresses of the claimants and defendants;
  - c) the title of the disputed legal act, the name of an entity that adopted/issued it and the date of adoption/issuance;
  - d) provisions of the Constitutional law of Georgia on the Autonomous Republic of Ajara which, in the claimants' opinion, are violated by the disputed act, or the disputed act is noncompliant with;
  - e) evidence that, in the claimants' opinion, confirm the reasonableness of the constitutional claim;
  - f) the essence of the claim;
  - g) provisions of the Constitution of Georgia and of this Law that give the right to a claimant to file a constitutional claim;
  - h) the list of documents attached to the constitutional claim, and the list and the addresses of persons that, in the



claimants' opinion, must be summoned by the Constitutional Court;

i) the request for consideration of the case without oral hearing if the claimant requests the consideration of the case without oral hearing.

8. The following must be attached to the constitutional claim specified in paragraph 7 of this article:

a) the wording of the disputed legal act;

b) the document certifying the powers of the representatives of the claimant, which shall include their addresses;

c) the document from a banking institution about payment of the state duty;

d) the electronic version of the constitutional claim.

9. A constitutional submission filed with respect to the issue under Article 19(1)(j) of this Law must include the following:

a) the name of the Constitutional Court;

b) the author of the constitutional submission and his/her address;

c) the title of the disputed act, the name of an entity that adopted/issued it and the date of adoption/issuance;

d) provisions of the Constitution of Georgia, the Constitutional law of Georgia on the Autonomous Republic of Ajara, the constitutional agreement, international agreements of Georgia or laws of Georgia which, in the opinion of the author of the constitutional submission, the disputed act is noncompliant with or are violated by the disputed act;

e) evidence that, in the opinion of the author of the submission, confirm the reasonableness of the constitutional submission;

f) the essence of the claim;

g) provisions of the Constitution of Georgia, the Constitutional law of Georgia on the Autonomous Republic of Ajara, and of this Law that give the right to the author of the submission to file a constitutional submission;

h) the list of documents attached to the constitutional submission, and the list and the addresses of persons that, in the opinion of the author of the submission, must be summoned by the Constitutional Court.

10. The following must be attached to the constitutional submission specified in paragraph 9 of this article:

a) the resolution under Article 41<sup>2</sup>(1) of this Law;

b) the wording of the disputed legal act;

c) the document certifying the powers of the representatives of the author of the constitutional submission, which shall include their addresses;

d) the document from a banking institution about payment of the state duty;

e) the electronic version of the constitutional submission.

11. A constitutional submission filed with respect to the issue under Article 19(1)(l) of this Law must be signed by the Secretary of the High Council of Justice of Georgia and must include the following:

a) the name of the Constitutional Court;

b) the author of the constitutional submission and his/her address;

c) the title of the normative act establishment of the constitutionality of which is requested by the High Council of Justice of Georgia, the name of an entity that has adopted/issued it and the date of adoption/issuance; and if this act is an international agreement – the name of its signatory and the date of signature;

d) provisions of the Constitution of Georgia which, in the opinion of the author of the constitutional submission, the normative act is noncompliant with, or are violated by the normative act establishment of the constitutionality of which is requested by the High Council of Justice of Georgia;

e) evidence that, in the opinion of the author of the constitutional submission, confirm the reasonableness of the constitutional submission;

f) the essence of the claim;

g) provisions of the Constitution of Georgia and of this Law that give the right to the author of the constitutional submission to file a constitutional submission;

h) the list of documents attached to the constitutional submission, and the list and the addresses of persons that, in the opinion of the author of the constitutional submission, must be summoned by the Constitutional Court.

12. The following must be attached to the constitutional submission specified in paragraph 11 of this article:

a) the wording of the disputed normative act;

b) the document certifying the powers of the representatives of the author of the constitutional submission, which shall include their addresses;

c) the document from a banking institution about payment of the state duty;

d) the electronic version of the constitutional submission.

13. A constitutional submission filed by a common court must be signed by the judge solely hearing the case or by members of the collegial composition of the court hearing the case, and must include the following:

a) the name of the Constitutional Court;

b) the name and addresses of the court filing the constitutional submission, and of the judge/judges of the collegial composition of the court;

c) the title of the normative act establishment of the constitutionality of which is requested by the common court, the name of an entity that adopted/issued it and the date of adoption/issuance, and if this act is an international agreement – the name of its signatory and the date of signature;

d) provisions of the Constitution of Georgia which, in the opinion of the court that has filed the constitutional submission, the normative act is noncompliant with, or are violated by the normative act;

e) evidence that, in the opinion of the court that has filed the submission, confirm the reasonableness of the constitutional



submission;

f) provisions of the Constitution of Georgia and of this Law that give the right to the court that has filed the submission to file a constitutional submission;

g) the list of documents attached to the constitutional submission.

14. The following must be attached to the constitutional submission specified in paragraph 13 of this article:

a) the wording of the normative act establishment of the constitutionality of which is requested by the common court;

b) the judicial act on suspending the case hearing;

c) the electronic version of the constitutional submission.

15. A constitutional claim, a constitutional submission and the documents attached thereto must be drawn up in the Georgian language.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 31<sup>2</sup>**

1. A constitutional claim and a constitutional submission filed with the Constitutional Court, after the examination of case materials formally (and not content-wise), shall be registered by an authorised employee of the Constitutional Court. If a minor and formal inaccuracy is identified in the constitutional claim and constitutional submission, they shall be registered with the consent of the Secretary of the Constitutional Court, and the claimant, the author of the submission or their representatives shall be allowed 15 days for correction of the inaccuracy. If the inaccuracy is not corrected within this period, the registration of the claim and submission shall be cancelled. In the case of refusal to register, the claimant, the author of the submission or their representatives shall have the right to apply to the Secretary of the Constitutional Court, who will take the final decision.

2. A registered constitutional claim/constitutional submission shall be immediately forwarded to the President of the Constitutional Court who shall, considering the requirements established under Article 21(1, 2 and 4) of this Law, refer the case under the jurisdiction of the Board of the Constitutional Court within 7 days to the Board for resolving the issue of admitting the case for consideration on the merits, and if the case is under the jurisdiction of the Plenum of the Constitutional Court, the President of the Constitutional Court shall, within the same period, under the procedure established by paragraph 6 of this article, appoint the reporting judge for the Plenum session and shall refer the case to him/her. The order of priorities must be observed when referring cases to the Boards of the Constitutional Court, except as provided for by paragraph 3 of this article.

3. If a registered constitutional claim has the same content or, is legally essentially related to an issue the constitutional claim previously submitted to the Board of the Constitutional Court refers to, the President of the Constitutional Court may, for consolidation purposes, refer this claim to the same Board for consideration.

4. If a registered constitutional claim/constitutional submission is to be considered by the Plenum of the Constitutional Court or, by decision of the Board of the Constitutional Court/the President of the Constitutional Court, it has been referred to the Plenum for consideration and it has the same content or is legally essentially related to an issue the constitutional claim/constitutional submission previously submitted to the Plenum refers to, the Plenum may consolidate these claims/submissions.

5. Upon receiving the case, the Chairperson of the Board of the Constitutional Court shall, on the basis of the procedure established by paragraph 6 of this article, appoint a reporting judge for a preliminary session from among the Board members, and shall refer the case to the members of the Board.

6. For the purposes of paragraphs 2 and 5 of this article, the reporting judge shall be selected through the automatic, electronic selection system.

7. The Plenum/Board of the Constitutional Court shall resolve the issue of admitting a constitutional claim/constitutional submission for consideration on the merits without an oral hearing. If a record of session on holding an oral hearing is received, a preliminary session shall be held. The President of the Constitutional Court shall fix the date for the preliminary session of the Plenum, and the Chairperson of an appropriate Board shall fix the date for the preliminary session of the Board.

8. Admission of a constitutional claim/constitutional submission for consideration on the merits shall be formalised by a record of session of the Plenum/board of the Constitutional Court, and in the case of refusal to admit a constitutional claim/constitutional submission for consideration on the merits, the Plenum/ Board shall deliver a reasoned ruling.

9. In cases under Article 25(4<sup>1</sup>) of this Law, the Constitutional Court shall deliver a reasoned ruling.

10. When examining a constitutional claim/constitutional submission, the reporting judge shall find out if there is a ground defined by Article 31<sup>3</sup> of this Law for refusing to admit the claim/submission or any issue specified therein for consideration on the merits and shall, if necessary, clarify the case-related issues with the Parties, the authors of the constitutional submission and/or their representatives. If the issue of admitting the constitutional claim/constitutional submission for consideration on the merits is resolved without an oral hearing, the reporting judge shall prepare a draft ruling or record of session for the preliminary session. The draft shall be forwarded, together with the case materials, to the Chairperson of the Plenum of the Constitutional Court or the Chairperson of the appropriate Board, who will insure that they are forwarded to the Board members not later than 2 days before the preliminary session. If any of the Board members is against the draft to be considered at the preliminary session, he/she shall have the right to submit his/her own one.

11. In cases provided for in Article 25(4<sup>1</sup>) of this Law, the reporting judge shall find out whether there is a ground for declaring a disputed act or a part thereof as invalid and shall, if necessary, clarify the case-related issues with the Parties,



the authors of the constitutional submission and/or their representatives. If the issue of admitting the constitutional claim/constitutional submission for consideration on the merits is resolved without an oral hearing, the reporting judge shall prepare a draft ruling for the preliminary session.

12. If a constitutional claim/constitutional submission is admitted for consideration on the merits, the Constitutional Court shall, within 3 days after the record of session is received, send to the claimant a notification about admitting the case for consideration on the merits and the case materials, and in the case provided for Article 19(1)(h) of this Law, it shall send to an official the issue of removing whom from office by impeachment has been raised, within 3 days after the constitutional submission is registered under paragraph 1 of this article, a notification about filing the constitutional submission with the Constitutional Court and the case materials.

13. Hearing of a case under the jurisdiction of the Plenum of the Constitutional Court shall commence before hearing of a case under the jurisdiction of the Board. The Constitutional Court shall, out of sequence, consider the issues provided for by Article 19(1)(c, d, g-j and l), Article 19(1)(f) (in the case provided for by Article 38(2) of this Law) and Article 19(2) of this Law.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 554 of 13 May 2025 – website, 14.5.2025*

### **Article 31<sup>3</sup>**

1. A constitutional claim/constitutional submission shall not be admitted for consideration if:

- a) its form or content fails to comply with the requirements established by Article 31<sup>1</sup> of this Law;
- b) it has not been filed by an authorised person or body (entity);
- c) none of the disputed issues specified therein is not under the jurisdiction of the Constitutional Court;
- d) all the disputed issues specified therein have already been resolved by the Constitutional Court, except as provided for by Article 21<sup>1</sup> of this Law;
- e) none of the disputed issues specified therein has not been resolved on the basis of the Constitution of Georgia;
- f) the time limit fixed by Law for filing it has been breached without good reason;
- g) it is impossible to have a comprehensive discussion over the constitutionality of a disputed subordinate normative act without having a discussion over a normative act ranked higher in the list of normative acts, which has not been appealed through a constitutional claim.

2. If a claimant/the author of a submission requests the resolution of several issues a part of which is under the jurisdiction of the Constitutional Court and a part falls within the competence of other government authorities, the Constitutional Court shall hear only the issues that fall within its competence under this Law.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

### **Article 31<sup>4</sup>**

1. The Constitutional Court shall notify the claimant, the author of a constitutional submission or their representatives in advance about the date of holding a preliminary session.

2. The Plenum/Board of the Constitutional Court shall be authorised, and on the basis of a written application of a claimant, the author of a submission or their representatives, it shall be obligated to invite the claimant, the author of the submission, their representatives and defenders of their interests to the preliminary session and hear their explanations with regard to the issues provided for by Article 31<sup>3</sup> of this Law.

3. The Plenum/Board of the Constitutional Court shall be authorised to invite the defendant, his/her representative, and the defender of his/her interests to the preliminary session and hear their explanations.

4. In cases provided for by Article 25(4<sup>1</sup>) of this Law, the Plenum/Board of the Constitutional Court shall be authorised, and on the basis of a written application of the Parties, the authors of a submission or their representatives, it shall be obligated to invite the claimant, the author of the submission, the defendant, their representatives and defenders of their interests to the preliminary session and hear their explanations.

5. A protocol about the preliminary session of the Constitutional Court shall be drawn up under the procedure established by Article 43<sup>1</sup> of this Law.

6. This article shall not apply to the consideration of a case without an oral hearing. In such a case, the ruling or the record of session of the Constitutional Court shall be sent to the Parties within 2 days after it is adopted.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

### **Article 31<sup>5</sup>**

1. The Constitutional Court shall resolve the issue of admitting a constitutional claim/constitutional submission for consideration on the merits, and issues provided for by Article 21<sup>1</sup> and Article 25(4<sup>1</sup>) and (5) of this Law by the open ballot in the deliberations room.

2. A constitutional claim/constitutional submission shall be deemed admitted to the Constitutional Court for consideration on the merits after the Plenum/Board of the Constitutional Court delivers the decision at the preliminary session about admitting the case for consideration on the merits.

3. A draft of the ruling/record of session shall be presented to the Plenum/Board of the Constitutional Court by the reporting judge. If there is another draft of the ruling or the record of session, it shall be put to vote separately.

4. A ruling/record of session of the Constitutional Court, except as provided for in paragraph 5 of this article, shall become



effective upon signature by all members of the Constitutional Court participating in the case hearing. If a member of the Court deliberately avoids signing, or is unable to sign due to an objective reason and the number of signatories is sufficient for adopting the ruling/record of session, the ruling/record of session can be announced in the session hall.

5. The ruling and the record of session adopted in cases provided for by Article 21<sup>1</sup> and Article 25(4<sup>1</sup>) and (5) of this Law must be announced in the session hall.

6. A ruling/record of session provided for by paragraph 5 of this article shall become effective after it is signed by all members of the Constitutional Court participating in the case hearing. If a member of the Court deliberately avoids signing, or is unable to sign due to an objective reason and the number of signatories is sufficient for adopting the ruling/record of session, it shall become effective upon publication, unless another time limit is set by this Law. The ruling and the record of session shall be deemed published after their full texts are published on the website of the Constitutional Court.

7. Information about the adoption (announcement) of the ruling/record of session of the Constitutional Court shall be communicated to the Parties.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 31<sup>6</sup>**

1. The following information shall be indicated in the record of session on admitting a constitutional claim/constitutional submission for consideration on the merits:

- a) the name and composition of the Constitutional Court hearing the case;
- b) the time and place of preparation of the record of session;
- c) the participants of the case hearing and the subject matter of dispute;
- d) the issue on which the record of session is prepared;
- e) the standards of the Constitution of Georgia and of this Law on the basis of which the Plenum/Board of the Constitutional Court has admitted the constitutional claim/constitutional submission for consideration;
- f) the note about admitting the constitutional claim/constitutional submission for consideration;
- g) the assumed time for commencing the case hearing;
- h) in cases provided for by Article 27<sup>1</sup> of this Law, the notice about consideration of the case without an oral hearing.

2. The following information shall be indicated in the ruling on non-admittance of the constitutional claim/constitutional submission for consideration on the merits:

- a) the name and composition of the Constitutional Court hearing the case;
- b) the time and place of delivering the ruling;
- c) the participants of the case hearing and the subject matter of dispute;
- d) the issue on which the ruling has been delivered;
- e) the standards of the Constitution of Georgia and of this Law on the basis of which the Plenum/Board of the Constitutional Court did not admit the constitutional claim/constitutional submission for consideration;
- f) the note about non-admitting the constitutional claim/constitutional submission for consideration.

3. In cases provided for by Article 25(4<sup>1</sup>) of this Law, the following information shall be indicated in the ruling on the declaration of a disputed act invalid:

- a) the name and composition of the Constitutional Court hearing the case;
- b) the time and place of delivering the ruling;
- c) the participants of the case hearing and the subject matter of dispute;
- d) the issue on which the ruling has been delivered;
- e) the standards of this Law on the basis of which the Plenum/Board of the Constitutional Court did not admit the constitutional claim/constitutional submission for consideration and declared the disputed act invalid;
- f) the note about non-admitting the constitutional claim/constitutional submission for consideration;
- g) the note about declaring the disputed act invalid.

4. In cases provided for by Article 21<sup>1</sup> of this Law, the following information shall be indicated in the record of session;

- a) the name and composition of the Constitutional Court hearing the case;
- b) the time and place of drawing up the record of session;
- c) the participants of the case hearing and the subject matter of dispute;
- d) the issue on which the record of session has been drawn up;
- e) the standards of this Law on the basis of which the Board of the Constitutional Court refers the case to the Plenum;
- f) the note about referring the constitutional claim/submission to the Plenum.

5. The following information shall be indicated in the record of session provided for by Article 25(5) of this Law, by which the effect of a disputed act or an appropriate part thereof is suspended until the final decision is taken:

- a) the name and composition of the Constitutional Court hearing the case;
- b) the time and place of drawing up the record of session;
- c) the participants of the case hearing and the subject matter of dispute;
- d) the issue on which the record of session has been drawn up;
- e) the motives on which the opinions of the Constitutional Court are based;
- f) the standards of this Law that served as a basis for the record of session;
- g) the note about suspending the disputed act or an appropriate part thereof, and the time limit of suspension;
- h) the note about revoking the decision on suspending the disputed act or an appropriate part thereof.



## Article 32

1. The witnesses shall be warned of the measures taken against offenders during the hearing and the evidence examined in the Constitutional Court under the procedure established by law.
2. During a hearing, the Chairperson of the session shall give a warning to an offender. In the case of repeated violations of an order or showing disrespect for the court, the offender may be expelled from the courtroom by order of the Chairperson of the session, which does not prevent consideration and resolution of a case. A person shall be deemed expelled from the courtroom until the end of the hearing. On a reasoned application of a party, the Chairperson of the session shall be entitled to allow the expelled person to return to the hearing. If a party is expelled, the Chairperson of the session shall be entitled, on a reasoned application of this party, to allow the expelled party to return to the hearing.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

## Article 32<sup>1</sup>

1. The structure of the Constitutional Court shall comprise a Court Bailiffs Service. The task of a Constitutional Court Bailiff shall be to protect public order and safety within the courthouse premises.
2. A bailiff of the Constitutional Court is a public servant. A legally competent citizen of Georgia of at least 22 years of age may be appointed as a bailiff of the Constitutional Court if he/she has a command of the state language and his/her health condition is suitable for performance of official duties. **The age limit for working as a bailiff of the Constitutional Court shall be 50 years**. A person with previous conviction may not be appointed as a bailiff of the Constitutional Court.

**(The 3<sup>rd</sup> sentence of Article 32<sup>1</sup>(2) has been declared invalidated)** – Judgment No 3/17/1583 of the Constitutional Court of Georgia of 23 December 2023 – website, 28.12.2023

3. A bailiff of the Constitutional Court shall:
  - a) ensure security of members of the Constitutional Court and other persons within the courthouse premises;
  - b) protect the Constitutional Courthouse premises;
  - c) ensure protection of order in a courtroom;
  - d) follow instructions of the President of the Constitutional Court and the Chairperson of the Constitutional Court session with respect to preservation of order;
  - e) prevent offences within the courthouse premises, identify offenders and, if necessary, detain them to be passed to the police and draw up a detention report the form of which is approved by the Plenum of the Constitutional Court.
4. A bailiff of the Constitutional Court shall have the right to use physical force and special means if the application of other relatively mild measures makes performance of official duties impossible.
5. In consideration of the provision under paragraph 4 of this article, a bailiff of the Constitutional Court shall have the right to use physical force and special means when:
  - a) preventing crime and detaining the offender;
  - b) holding off an attack against members of the Constitutional Court and persons present within the Constitutional Courthouse premises;
  - c) offering physical resistance while discharging official duties;
  - d) passing a detained offender to the police if there are sufficient grounds to believe that the detainee may escape or do harm to others.
6. When using physical force and special means, a bailiff of the Constitutional Court shall be obliged to:
  - a) warn a person of the use of physical force and special means, allow this person enough time to fulfil his/her requirements, except when an advance warning is impossible or the delay may endanger his/her or other persons' life and health and/or cause other serious consequences;
  - b) use physical force and special means according to the nature of a risk to minimise the harm caused;
  - c) notify the President of the Constitutional Court in writing within 24 hours after physical force and special means were used;
  - d) prevent danger to the health and life of surrounding people when using physical force and special means.
7. It shall be prohibited to use physical force and special means against pregnant women, disabled persons and minors. Physical force and special means may be used if actions of pregnant women, disabled persons and minors pose an obvious threat to the life and health of the bailiff of the Constitutional Court or other persons.
8. A bailiff of the Constitutional court on duty shall wear a uniform and a badge. The Constitutional Court shall approve the uniform and the badge.

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Judgment No 3/17/1583 of the Constitutional Court of Georgia of 23 December 2023 – website, 28.12.2023*

## Article 33

1. The President of Georgia, the Government of Georgia and at least one fifth of the members of Parliament of Georgia shall have the right to lodge a constitutional claim with the Constitutional Court concerning compliance with the Constitution of Georgia of the constitutional agreement, laws of Georgia, normative resolutions of the Parliament of Georgia, normative acts of the President of Georgia, the Government of Georgia, higher bodies of the state authorities of the Autonomous Republics of Abkhazia and Ajara, normative acts adopted/issued by the relevant bodies before the of the Constitution of Georgia entered into force, as well as concerning compliance with the Constitution of Georgia of the



adoption/issuance, signature, promulgation and entry into force of legislative acts of Georgia and resolutions of the Parliament of Georgia.

2. The body, a normative act of which has been the grounds for lodging a constitutional claim shall act as a defendant in the proceedings under paragraph 1 of this article. If a constitutional claim concerns a normative act adopted/issued before the Constitution of Georgia was effected, the legal successor to the body that adopted/issued the act shall be the defendant, and in the absence of this body, by decision of the Constitutional Court, the Parliament of Georgia, the President of Georgia, the Government of Georgia, and the higher representative or executive bodies of the Autonomous Republics of Abkhazia and Ajara shall be the defendants.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

#### **Article 34**

1. The right to file a constitutional claim with the Constitutional Court concerning the issue provided for by Article 19(1)(b) of this Law shall rest with the President of Georgia, the Parliament of Georgia, the Government of Georgia, the High Council of Justice of Georgia, the General Prosecutor, the Board of the National Bank of Georgia, the Auditor General, the Public Defender of Georgia, or a supreme representative or executive body of an autonomous republic if he/she/it believes that his/her/its competence has been infringed or the scope of constitutional powers of the state bodies has been violated; with at least one fifth of the members of the Parliament of Georgia if it believes that its constitutional powers have been encroached on, fully or partially, by a legal act, an action or inaction of any of them.

2. A body that has adopted/issued a legal act defined in paragraph 1 of this article, or has performed an action or inaction provided for by the same paragraph shall be the defendant in the case provided for by the aforementioned paragraph.

3. After receiving a constitutional claim concerning the issue provided for Article 19(1)(b) of this Law, the Constitutional Court shall forward a copy of the claim to the bodies provided for by paragraph 1 of this article. If, within 15 days after delivery of the copy to the aforementioned bodies, any of them states that the satisfaction of the constitutional claim will result in encroachment, full or partial, on its constitutional powers, the Constitutional Court shall have the right to engage the author of the statement in the capacity of a defendant.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 1511 of 14 April 2022 – website, 27.4.2022*

#### **Article 35**

1. The right to file a claim with the Constitutional Court concerning the constitutionality of formation of a political party, its activity, and of a member of a representative body elected on the recommendation of this political party shall rest with the President of Georgia, at least one fifth of members of the Parliament of Georgia, or the Government of Georgia.

2. In cases provided for by paragraph 1 of this article, when a constitutional claim concerns the constitutionality of the activity of a political party, the political party shall be the defendant, and when a constitutional claim concerns the constitutionality of the formation of a political party, the political party and its registering body shall be the defendant.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 36**

1. The right to lodge a constitutional claim with the Constitutional Court concerning the constitutionality of the regulatory standards for elections or a referendum and of the elections (referenda) to be held on the basis of these standards shall rest with at least one fifth of the members of Parliament of Georgia, the President of Georgia and the Public Defender of Georgia.

2. In a case under paragraph 1 of this article, the defendant shall be:

a) a body/official that has adopted/issued a disputed normative act;

b) an authorised body/official to set elections (referenda), if the decision to set or not to set elections (referenda) is based on the disputable normative act.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

#### **Article 37**

1. The right to lodge a constitutional claim with the Constitutional Court concerning the constitutionality of the regulatory standards for elections or a referendum and of elections (referenda) held on the basis of these standards shall rest with at least one fifth of the members of Parliament of Georgia, the President of Georgia and the Public Defender of Georgia.

2. In the case under paragraph 1 of this article, the defendant shall be a body the normative act of which has been the grounds for lodging a constitutional claim, the Central Election Commission of Georgia, and/or the Electoral Commission responsible for the conduct of the given elections.

3. A constitutional claim under paragraph 1 of this article shall be lodged by:





- a) the Central Election Commission of Georgia, within seven days after the referendum results are published, if the constitutional claim refers to the constitutionality of the regulatory standards for the conducted referendum and of a referendum conducted on the basis of these standards;
  - b) by the respective election commission, within three days after the election results are published, if a constitutional claim refers to the regulatory standards of the conducted elections and of the elections conducted on the basis of these standards.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*  
*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

### Article 38

1. The right to file a constitutional claim with the Constitutional Court on the constitutionality of an international agreement or individual provisions thereof shall rest with the President of Georgia, the Government of Georgia or at least one fifth of members of the Parliament of Georgia, while the right to file a constitutional submission shall rest with at least one fifth of members of the Parliament of Georgia.
2. A constitutional submission shall be filed with regard to the constitutionality of an international agreement or individual provisions thereof that are subject to ratification. A constitutional submission may be filed before the international agreement is ratified.
- 2<sup>1</sup>. A constitutional claim shall be filed with regard to the constitutionality of a valid international agreement or individual provisions thereof. A constitutional claim may be filed:
  - a) within 30 days after the Parliament of Georgia refuses to denounce or revoke a ratified international agreement or individual provisions thereof;
  - b) no earlier than the 31<sup>st</sup> day and no later than the 60<sup>th</sup> day after the issue to denounce or revoke a ratified international agreement or individual provisions thereof is raised before the Parliament of Georgia, if the Parliament of Georgia fails to resolve the issue in 30 days;
  - c) if an international agreement is not subject to ratification.
3. A constitutional claim concerning compliance with the Constitution of Georgia of such an international agreement or individual provisions thereof that have been ratified before the accreditation of powers of the first composition of the Constitutional Court may also be filed after it is ratified.
4. In the case under paragraph 3 of this article, a constitutional claim may be lodged within three months after accreditation of powers of the first composition of the Constitutional Court. Running of this time shall be suspended during consideration by the Parliament of Georgia of the issue to denounce a treaty under paragraph 3 of this article.
5. (Deleted).
6. In cases under paragraph 2<sup>1</sup>(a) and (b) of this article, the Parliament of Georgia shall be the defendant, and in the case under paragraph 2<sup>1</sup>(c), a body/official that has concluded the international agreement, or its successor shall be the defendant.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*  
*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*  
*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

### Article 39

1. The right to lodge a constitutional claim with the Constitutional Court on the constitutionality of a normative act or its individual provisions shall rest with:
    - a) citizens of Georgia, other natural persons residing in Georgia and legal persons of Georgia, if they believe that their rights and freedoms recognised under Chapter Two of the Constitution of Georgia have been violated or may be directly violated;
    - b) the Public Defender of Georgia, if he/she believes that human rights and freedoms recognised under Chapter Two of the Constitution of Georgia are violated.
  2. In the cases under this article, the defendant shall be the body/official the act of which, in the plaintiff's opinion, has caused the violation of human rights and freedoms recognised under Chapter Two of the Constitution of Georgia.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*  
*Judgment No 1/466 of the Constitutional Court of 28 June 2010 – LHG IV, No 56, 6.7.2010, p. 2*

### Article 40

1. The right to file a constitutional claim with the Constitutional Court on the constitutionality of a decision of the Parliament of Georgia on recognising or prematurely terminating powers of a Member of Parliament shall rest with at least one fifth of members of the Parliament of Georgia, or with a citizen whose powers, as of a Member of Parliament, was not recognised or was prematurely terminated by the Parliament of Georgia.
  2. The defendant in the proceedings under this article shall be the Parliament of Georgia.
  3. The time limit for lodging a constitutional claim under this article shall not exceed two weeks after an appropriate decision of the Parliament of Georgia takes effect.
- Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*  
*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*



#### **Article 41**

1. The right to file a constitutional submission with the Constitutional Court under the procedure established by this Law and the Regulations of the Parliament of Georgia in order to obtain a conclusion with respect to violation of the Constitution of Georgia by the President of Georgia, a member of the Government of Georgia, a judge of the Supreme Court of Georgia, the General prosecutor, the Auditor General or a member of the Council of the National Bank of Georgia, and/or to the existence of elements of crime in his/her action shall rest with at least one third of the total number of members of the Parliament of Georgia.

2. When drafting a conclusion on this issue, the Constitutional Court may invite appropriate officials.

3. (Deleted).

*Organic Law of Georgia No 1059 of 11 November 1997 – The Parliament Gazette No 45, 21.11.1997, p. 54.*

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 475 of 1 November 2008 – LHGI, No 30, 7.11.2008, Art. 182*

*Organic Law of Georgia No 6551 of 22 June 2012 – website, 29.6.2012*

*Organic Law of Georgia No 1017 of 6 September 2013 – website, 23.9.2013*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 41<sup>1</sup>**

1. In cases under Article 19(1)(i) of this Law, the right to lodge a constitutional claim with the Constitutional Court shall rest with the President of Georgia, the Government of Georgia, at least one fifth of the members of Parliament of Georgia, and the Supreme Council of the Autonomous Republic of Ajara.

2. The defendant in the proceedings under paragraph 1 of this article shall be the body/official who, in the plaintiff's opinion, has violated the Constitutional Law of Georgia on the Status of the Autonomous Republic of Ajara.

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

#### **Article 41<sup>2</sup>**

1. In cases under Article 19(1)(j) of this Law, the right to file a constitutional submission with the Constitutional Court on the compliance of normative acts of the High Council of the Autonomous Republic of Ajara with the Constitution of Georgia, and the Constitutional Law of Georgia on the Autonomous Republic of Ajara shall rest with the Parliament of Georgia by a resolution.

2. Acceptance of the constitutional submission of the Parliament of Georgia for consideration by the Constitutional Court shall cause suspension of the operation of the respective normative act of the Supreme Council of the Autonomous Republic of Ajara until the final judgment is delivered on the case.

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 41<sup>3</sup>**

1. Where so provided for in Article 19(1)(k) of this Law, the right to file a constitutional claim with the Constitutional Court shall rest with the representative body of a municipality.

2. In the case under this article, the defendant shall be a body/official whose act, in the claimant's opinion, has caused violation of the provisions of Chapter Nine of the Constitution of Georgia.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

*Organic Law of Georgia No 6865 of 15 July 2020 – website, 28.7.2020*

#### **Article 41<sup>4</sup>**

In cases under Article 19(1)(l) of this Law, the right to lodge a constitutional submission with the Constitutional Court shall rest with the High Council of Justice of Georgia.

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

#### **Article 42**

1. In the cases under Article 19(2) of this Law, the right to lodge a constitutional submission with the Constitutional Court shall rest with a trial court. In this situation, the Constitutional Court shall consider the case in the absence of the author of the submission and the body the act of which became the subject of dispute.

2. Submission adopted by decision of a single trial judge or a collegial composition of the trial court shall be deemed to be submission of a court considering the case referred to in this article.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 43**

1. Acts of the Constitutional Court shall be a judgment, a ruling, a record of judgment and a conclusion.

<sup>1</sup>. A judgment and a conclusion of the Constitutional Court shall consist of the introductory, descriptive, reasoning and operative parts.

<sup>2</sup>. The following information shall be indicated in the introductory part of a decision or conclusion of the Constitutional



Court:

- a) the name of the Constitutional Court;
- b) the date and place of delivering the judgment or conclusion;
- c) the composition of the Court and the secretary of the session;
- d) the participants of the case hearing and the subject matter of dispute.

1<sup>3</sup>. The following information must be indicated in the descriptive part:

- a) the request of the author of the constitutional claim or the constitutional submission;
- b) the position of the defendant;
- c) the opinions presented by a witness, specialist, expert and *amicus curiae*.

1<sup>4</sup>. The following information must be indicated in the reasoning part:

- a) the circumstances established by the Constitutional Court;
- b) the evidence on which the conclusions of the Constitutional Court are based;
- c) the motives by which the Constitutional Court rejects an opposing opinion or evidence;
- d) the standards (provisions) of the Constitution of Georgia, with regard to the cases under Article 19(1)(i) of this Law – the standards (provisions) of the Constitutional Law of Georgia on the Autonomous Republic of Ajara, and with regard to the cases under Article 19(1)(j) of this Law – the standards (provisions) of the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara, a constitutional agreement, international agreements of Georgia and laws of Georgia a disputed act is compliant or non-compliant with;
- e) the standards of the Constitution of Georgia and of this Law which the Constitutional Court was using when delivering a judgment or a conclusion.

1<sup>5</sup>. The operative part must contain the following:

- a) the order of the Constitutional Court on allowing a constitutional claim fully or partially, or on rejecting it;
- b) the order of the Constitutional Court on recognising a normative act specified in the constitutional submission filed by a common court and/or the High Council of Justice of Georgia, or a part thereof as unconstitutional, or on failure to confirm its non-compliance with the Constitution of Georgia;
- c) the order of the Constitutional Court on the compliance, or on failure to confirm the non-compliance of an act specified in the constitutional submission filed by the Parliament of Georgia, or a part thereof with the Constitution of Georgia, the Constitutional Law of Georgia on the Autonomous Republic of Ajara, a constitutional agreement, international agreements of Georgia and law of Georgia;
- d) the conclusion of the Constitutional Court on recognising an international agreement specified in the constitutional submission, or individual provisions thereof as unconstitutional, or on failure to confirm its non-compliance with the Constitution of Georgia;
- e) the conclusion of the Constitutional Court on the constitutionality of an action by an official specified in the constitutional submission, and/or on the existence or rejection of elements of crime in his/her action;
- f) the legal implications of the judgment or conclusion.

2. A record of judgment/ruling of the Constitutional Court shall be signed by all members of the Constitutional Court participating in the hearing. A judgment/ conclusion of the Constitutional Court shall be signed by all members of the Constitutional Court participating in the consideration of the case on the merits.

2<sup>1</sup>. After all members of the Constitutional Court participating in the consideration of a case on the merits sign the judgment/conclusion of the Constitutional Court, the Chairperson of the session shall announce this judgment/conclusion and information about whether there is a dissenting opinion/ concurring opinion of a member of the Constitutional Court in the session hall. If a member of the Constitutional Court deliberately avoids signing, or is unable to sign due to an objective reason and the number of signatories is sufficient for adopting the appropriate ruling/record of session, the Chairperson of the session shall announce the aforementioned judgment/conclusion and information about whether there is a dissenting opinion/ concurring opinion of the member of the Constitutional Court in the session hall.

3. An act of the Constitutional Court that is not related to a hearing shall be signed by the President and the Secretary of the Constitutional Court.

4. The Constitutional Court shall decide on the merits of a case in writing.

5. The Constitutional Court shall adopt a record of judgment on acceptance of a constitutional claim or constitutional submission for consideration and a ruling – on non-acceptance.

5<sup>1</sup>. In cases under Article 25(4<sup>1</sup>) of this Law, the Constitutional Court shall adopt a ruling.

5<sup>2</sup>. In cases under Article 21<sup>1</sup>(1) of this Law, the Constitutional Court shall adopt a record of judgment.

6. When considering a constitutional submission on the merits, the Constitutional Court shall adopt a judgment in cases under Articles 41<sup>2</sup>, 41<sup>4</sup> and 42 of this Law, and a conclusion – in cases under Article 38(2) and Article 41(1) of the same Law.

7. A judgment, a ruling and a conclusion of the Constitutional Court must be substantiated. The Constitutional Court shall base its judgment or conclusion only on the statements that were considered at a session of the Constitutional Court or were submitted to the Constitutional Court when considering the case without an oral hearing.

8. A judgment, a ruling, a record of judgment and a conclusion of the Constitutional Court shall be final and shall not be subject to appeal or revision.

8<sup>1</sup>. A judgment and a conclusion of the Constitutional Court shall be announced on behalf of Georgia.

8<sup>2</sup>. The Constitutional Court may announce only the operative part of a judgment/conclusion of the Constitutional Court.



In such a case, the complete text of the judgment/conclusion shall be immediately forwarded to the Parties.

9. Non-acceptance of a constitutional claim or a constitutional submission for consideration by the Constitutional Court shall, unless there are grounds under Article 21<sup>1</sup>(1) of this Law, exclude acceptance of a repeated application or another constitutional claim or a constitutional submission on the same subject and the same grounds.

10. The full text of an act of the Constitutional Court, except for the acts under paragraphs 3 and 11 of this article, shall be published at the website of the Constitutional Court within 15 days after adoption of the act, and shall be forwarded to the Legislative Herald of Georgia, who will publish it within the next two days.

11. A judgment and a conclusion of the Constitutional Court, and the ruling under Article 25(4<sup>1</sup>) of this Law and the record of session under Article 25(5) of this Law shall be announced in the session hall under the procedure established by this Law; its full text shall be published on the website of the Constitutional Court and shall be forwarded to the Legislative Herald of Georgia who will publish it upon receipt.

12. An act of the Constitutional Court under paragraph 11 of this article adopted on the basis of consideration of a case without oral hearing may not be announced in the court room. In such a case, the full text of the act shall be immediately published at the website of the Constitutional Court and forwarded to the Legislative Herald of Georgia, who will publish it upon receipt.

12<sup>1</sup>. An act of the Constitutional Court provided for by paragraph 11 of this article shall become effective upon its publication. This act shall be deemed published after its full text is published on the website of the Constitutional Court.

13. Full texts of all judgments, rulings, records of judgments and conclusions of the Constitutional Court, as well as a dissenting/concurring opinion, if any, of a member of the Constitutional Court in relation to these acts, shall be published at the website of the Constitutional Court, and an act of the Constitutional Court under paragraphs 11 and 12 of this article shall also be published at the Legislative Herald of Georgia.

14. If a member of the Constitutional Court participating in the adoption of an act of the Constitutional Court under paragraph 11 of this article has a dissenting opinion/concurring opinion, it shall be attached to this act and shall be published together with it if it has been forwarded to the Constitutional Court before the act was announced in the session hall. Otherwise, the dissenting opinion/concurring opinion of the member of the Constitutional Court shall be published if the aforementioned act was forwarded to the Constitutional Court within 10 days after the act was announced in the session hall. In this case, the Constitutional Court shall publish the dissenting opinion/concurring opinion of the member of the Constitutional Court on the website of the Constitutional Court and send it to the Legislative Herald of Georgia within 2 days, who will publish it within the following 2 days.

15. One copy of the judgment of the Constitutional Court, of the ruling under Article 25(4<sup>1</sup>) of this Law and of the record of session under paragraph 5 of the same article shall be forwarded to the Parties, and one copy of the conclusion shall be forwarded to the authors of the constitutional submission and to the officials specified in Article 19(1)(h) of this Law. One copy of the judgments delivered with regard to the issues under Article 19(1)(j) of this Law shall be forwarded to the author of the constitutional submission and to the High Council of the Autonomous Republic of Ajara.

16. One copy of the judgment and of the conclusion of the Constitutional Court, and one copy of the ruling under Article 25(4<sup>1</sup>) of this Law and of the record of session under paragraph 5 of the same article shall be forwarded to the Parliament of Georgia, the President of Georgia, the Government of Georgia and the Supreme Court of Georgia.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 599 of 25 November 2004 – LHGI, No 37, 16.12.2004, Art. 171*

*Organic Law of Georgia No 4215 of 29 December 2006 – LHGI, No 1, 3.1.2007, Art. 17*

*Organic Law of Georgia No 77 of 27 June 2008 – LHGI, No 12, 14.7.2008, Art. 87*

*Organic Law of Georgia No 4628 of 5 May 2011 – website, 25.5.2011*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

## **Article 43<sup>1</sup>**

1. A protocol of a session of the Constitutional Court shall be drawn up. It shall be drawn up by the secretary of the session of the Court hearing the case.

2. The following information shall be indicated in the protocol of the Court session:

- a) the date and place of the Court session;
- b) the dates of the commencement and completion of the Court session;
- c) the name of the Constitutional Court, the judges participating in the case hearing and the judges that cannot participate in the case hearing due to any reason;
- d) the secretary of the session;
- e) the title of the case;
- f) the notices about the participants of the case hearing, experts, specialists and interpreters, and about explaining to them their rights and duties;
- g) the orders of the President and the resolutions delivered by the Constitutional Court in the session hall;
- h) the statements and the explanations of the participants of the case hearing;
- i) the testimonies of the witnesses, experts and specialists, and the written evidence published by the Constitutional Court.

3. The protocol of the session of the Constitutional Court shall be signed by the Chairperson and the secretary of the



session.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 44**

1. The Plenum of the Constitutional Court may consider a case on the merits and deliver a decision if at least 6 members attend its session, except as provided for by paragraph 2 of this article.
2. The Plenum of the Constitutional Court shall be duly constituted to adopt a decision with regard to the issues under Article 15 and Article 19(1)(d and h) of this Law, as well as the issues of the constitutionality of the provision of the organic law if at least seven members attend its session.
3. A constitutional claim shall be deemed satisfied and a conclusion with respect to the constitutional submission shall be deemed adopted if supported by majority of the full list of the Plenum of the Constitutional Court, except as provided for in paragraph 4 of this article.
4. A constitutional claim with regard to the issues under Article 15 and Article 19(1)(d and h) of this Law, and the issues of the constitutionality of the provision of the organic law, shall be deemed satisfied and a conclusion with respect to the constitutional submission shall be deemed adopted if supported by at least six members of the Plenum of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Judgment No 3/5/768,769,790,792 of the Constitutional Court of Georgia of 29 December 2016 – website, 12.1.2017*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 45**

1. A Board of the Constitutional Court shall be duly constituted to consider a constitutional claim or a constitutional submission and adopt a judgment if at least three members attend its session.
2. A constitutional claim shall be deemed satisfied if supported by more than half of the members present at the Board meeting.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 46**

1. A party shall have the right to raise an issue before the Constitutional Court that considers a case of recusal of a member of the Constitutional Court participating in the proceeding if:
  - a) the member of the Constitutional Court is a close relative of the party or its representative;
  - b) the member of the Constitutional Court has direct or indirect interest in the outcome of a case, or if there are other circumstances that raise doubts about the impartiality of the member of the Constitutional Court.
2. When there are grounds under this article, a member of the Constitutional Court shall have the right to abstain from participating in the proceeding.
3. An application for recusal or self-disqualification of a member of the Constitutional Court shall be deemed satisfied if supported by more than half of the members participating in the session of the Constitutional Court.

#### **Article 47**

1. When adopting a judgment, a member of the Constitutional Court participating in the proceeding may express a dissenting or concurring opinion to be drawn up in writing.
2. A dissenting opinion/concurring opinion of a member of the Constitutional Court shall be attached to the protocol of the session of the Constitutional Court, and shall be published on the website of the Constitutional Court and at the Legislative Herald of Georgia under the procedure established by this Law.
3. (Deleted – 3.6.2016, No 5161).

*Organic Law of Georgia No 1890 of 22 October 2009 – LHGI, No 33, 9.11.2009, Art. 199*

*Organic Law of Georgia No 5161 of 3 June 2016 – website, 4.6.2016*

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 48**

1. A member of the Constitutional Court shall not have the right to disclose the content of the deliberations held by the Constitutional Court when delivering the judgment, or the position adopted by the member of the Constitutional Court while voting.
2. No one shall have the right to demand an account or explanation from a member of the Constitutional Court with regard to a specific case.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

#### **Article 49**

Costs of proceedings in the Constitutional Court shall be covered by the state budget.

#### **Article 50**

1. State taxes shall be imposed on:



- a) a constitutional claim or submission;
  - b) a ruling or judgment of the Constitutional Court when issued again.
2. The state tax amount and the payment rule shall be defined by law.
  3. The Constitutional Court shall have no right to exempt anyone from state taxes, to increase or decrease the state tax amount.

#### **Article 51 – (Deleted)**

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

#### **Article 52**

When considering a case in the Constitutional Court, a member of the Constitutional Court shall be dressed in special attire. Design of the attire shall be defined by the Rules of the Constitutional Court.

#### **Article 53**

1. The Constitutional Court shall possess the state official seal with its own name on it.
2. The Constitutional Court shall be located in the city of Batumi.
3. The administrative building of the Constitutional Court shall fly the State Flag of Georgia.
4. The State Flag of Georgia must be present in the courtroom and in the office rooms of judges of the Constitutional Court.

*Organic Law of Georgia No 1264 of 12 February 2002 – LHGI, No 4, 5.3.2002, Art. 14*

*Organic Law of Georgia No 3549 of 7 September 2006 – LHGI, No 40, 15.9.2006, Art. 281*

#### **Article 54**

1. Other issues of the organisation of the Constitutional Court shall be defined by the Regulations of the Constitutional Court.
2. The Regulations shall be deemed approved if, during the open ballot, at least 2 members of the Constitutional Court support them.

*Organic Law of Georgia No 3265 of 21 July 2018 – website, 10.8.2018*

**President of Georgia**

**Tbilisi**

**31 January 1996**

**No 95- ႁႃ**

**Eduard Shevardnadze**

