

# Constitutional Council

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## Regulation setting the operating rules of the Constitutional Council

(Amended and supplemented by the Deliberation of 18 Safar 1441  
corresponding to 17 October 2019)

The Constitutional Council,

- Having regard to the Constitution, in particular Articles 182, 183, 186, 188, 189 (paragraph 3), 190 and 191 thereof;
- Having regard to the organic law n° 12-03 of 18 Safar 1433 corresponding to 12 January 2012 fixing the modalities increasing the chances of woman access to the representation in the elected assemblies;
- Having regard to the organic law n° 16-10 of 22 Dhou El Kaada 1437 corresponding to 25 August 2016 on the electoral system, amended and supplemented;
- Having regard to the organic law n° 18-16 of 22 Dhou El Hidja 1439 corresponding to 2 September 2018 setting the conditions and modalities for the implementation of the exception of unconstitutionality;
- Having regard to the regulation of 7 Ramadhan 1440 corresponding to 12 May 2019 setting the operating rules of the Constitutional Council, amended and supplemented;

- Having regard to Presidential Decree n° 16-201 of 11 Chaoual 1437 corresponding to 16 July 2016 on the rules relating to the organization of the Constitutional Council;

After deliberation,

**Adopts the Regulation setting the rules of its operation, the content of which follows:**

**Article 1<sup>st</sup>:** This Regulation lays down the operating rules of the Constitutional Council, in accordance with the relevant constitutional, legislative and regulatory provisions.

## **TITLE I**

### **THE OPERATING RULES OF THE**

### **CONSTITUTIONAL COUNCIL IN THE MATTERS OF CONSTITUTIONALITY**

#### **REVIEW AND COMPLIANCE WITH THE CONSTITUTION**

#### **Chapter 1<sup>st</sup>**

#### **Constitutionality review of organic laws and the conformity of rules of procedure**

#### **of both Houses of Parliament with the Constitution**

**Art. 2.** – When the Constitutional Council declares, by ruling on the constitutionality of organic laws, that the organic law which is submitted to it contains an unconstitutional provision and that it cannot be separated from the other provisions, the said law cannot be promulgated.

However, when the Constitutional Council declares that the organic law submitted to it contains an unconstitutional provision that may be separated from the other provisions of this law, the President of the Republic may promulgate it distracted from the provision contrary to the Constitution.

**Art. 3.** – When the Constitutional Council declares, by ruling on the conformity of the rules of procedure of each of the two Houses of Parliament with the Constitution, that they contain a provision not in conformity with the Constitution, this provision may only be implemented by the House concerned once amended, then referred back to the Constitutional Council and declared in conformity with the Constitution.

Any amendment to the rules of procedure of each of the two Houses of Parliament shall be submitted to the Constitutional Council for the purpose of monitoring its conformity with the Constitution.

## **Chapter 2**

### **Review of the constitutionality of treaties, laws and regulations**

**Art. 4.** - When the Constitutional Council decides on the constitutionality of treaties, laws and regulations, in accordance with Article 186 paragraph 1, of the Constitution, and declares that the provision before it is unconstitutional and that is, at the same time, inseparable from the other provisions of the text before it, the text containing the provision in question is returned to the referred party.

**Art. 5.** - The Constitutional Council may, while monitoring the constitutionality of one or more provisions, examine other provisions of the same text before it, or any other text which has not been referred to it when they are related to the provisions object of referral.

When the Constitutional Council declares the provisions that have been referred to it unconstitutional and has examined them, and their separation from the rest of the text affects its whole structure, the text is returned back to the distrainer.

## Chapter 3

### Procedures relating to constitutionality review and monitoring conformity with the Constitution

**Art.6.**-The Constitutional Council is referred to within the framework of the constitutionality review and control of conformity with the Constitution, by letter addressed to its President, accompanied by the text object of referral.

The letter of referral is registered at the Registry of the Constitutional Council in the register of referrals.

Once registered, the referral cannot be withdrawn.

**Art. 7.** - When the Constitutional Council is referred to by deputies of the People's National Assembly or members of the Council of the Nation, in accordance with Article 187 (paragraph 2) of the Constitution, the letter of referral must be accompanied by the law object of referral.

The letter of referral must also be accompanied by a list of the full names and signatures of the deputies of the People's National Assembly or the members of the Council of the Nation, authors of the referral, as well as their capacity that they justify by the presentation of a copy of their card of deputy or member of the Council of the Nation, attached to the referral letter.

The letter of referral shall be tabled by one of the distrainers at the Registry of the Constitutional Council, against receipt.

**Art. 8.** - The Constitutional Council shall immediately inform the President of the Republic of the referral.

He shall also inform the President of the Council of the Nation, the President of the People's National Assembly and the Prime Minister of the referral

submitted by the deputies of the People's National Assembly or the members of the Council of the Nation.

The Constitutional Council may request from the parties concerned referred to in paragraph 2 above, any document on the law object of referral, or ask forequest a hearing with representatives of those parties.

**Art. 9.** - When the Constitutional Council registers more than one referral relating to one or more provisions of the same law, it shall decide on by a single opinion.

**Art. 10.** - The opinions of the Constitutional Council shall be notified to the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly, the Prime Minister and the referring party.

## **TITLE II**

### **THE OPERATING RULES OF THE**

### **CONSTITUTIONAL COUNCIL ON THE EXCEPTION OF UNCONSTITUTIONALITY**

#### **Chapter 1**

##### **Procedures relating to the exception of unconstitutionality**

**Art. 11.** - The decision of referral of the Supreme Court or the Council of State relating to the exception of unconstitutionality, shall be registered in the register reserved for the exception of unconstitutionality at the registry of the Constitutional Council.

The decision of referral shall be accompanied by the submissions and pleadings of the parties and, if needed, supporting documents.

**Art. 12.** - The President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly, the Prime Minister

and the parties are immediately informed of the referral decision, accompanied with the submissions and pleadings of the parties.

**Art. 13.** - The notification shall include the deadline set to the authorities concerned and the parties to submit their written observations, accompanied by the supporting documents, to the registry of the Constitutional Council.

Observations shall be notified to the authorities and to the parties so to submit their replies to these observations within a second deadline that can be set by the rapporteur for this purpose.

Notifications, comments and documents shall be communicated by any means.

These provisions shall not be applied to the exceptions provided for in Article 29 bis below.

***(Paragraph in fine, added by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 14.** - The observations and attached documents, transmitted at the end of the time limit set for their presentation, shall be disregarded.

The President of the Constitutional Council may extend this time limit at the request of the authorities concerned and the parties.

**Art. 15.** - The automatic referral provided for in Article 20 of the organic law N° 18-16 of 2 September 2018 laying down the conditions and procedures for the implementation of the exception of unconstitutionality, shall be governed by the same provisions applicable to the ordinary referral, in accordance with the provisions of this Regulation.

**Art. 16.** - In case of refusal by the Supreme Court or the Council of State, to refer the exception of unconstitutionality to the Constitutional Council, the Constitutional Council shall be provided with a copy of the reasoned decision.

**Art. 17.** - Any party having an interest may intervene in the procedure of the exception of unconstitutionality, by making a written request to the president of the Constitutional Council, before the deliberations of the exception.

If the request is accepted, the intervener shall follow the same procedures applicable to the parties.

**Art. 18.** - A member of the Constitutional Council may request to relinquish jurisdiction over any case of the exception, if he considers that his participation in the pronouncement of this file is likely to harm his neutrality.

The request shall be addressed to the President of the Constitutional Council who submit it to the Council for decision.

**Art. 19.** - Any party in the exception of unconstitutionality may submit a reasoned request for the recusal of a member of the Constitutional Council on serious grounds that may affect the neutrality of the Constitutional Council.

The request must be made before the exception is reserved.

The President of the Constitutional Council shall submit the request for recusal to the member concerned for opinion.

The Constitutional Council shall decide on the request in the absence of the member concerned.

**Art. 20.** - At the end of the investigation, the President of the Constitutional Council shall order the enrolment of the exception of unconstitutionality and fix the date for the hearing.

In the case provided for in Article 29 bis below, the President of the Constitutional Council orders the enrolment of the following exceptions during the same hearing scheduled for the examination of the first exception.

**(Paragraph 2 added by the Deliberation of 18 Safar 1441 corresponding to 17  
October 2019).**

The date of the hearing shall be notified to the authorities and to the parties referred to in Article 12 of this regulation.

The cause-list is posted at the entrance of the courtroom and on the electronic website of the Constitutional Council.

**Art. 21.** - The President of the Constitutional Council may, *ex officio* or at the request of one of the parties, decide to hold the hearing in camera if the publicity infringes public order and morality.

**Art. 22.** - The President of the Constitutional Council shall police the hearing and the conduct of the proceedings, subject to the provisions of Article 39 of this regulation.

**Art. 23.** - The President of the Constitutional Council shall open the hearing. He invites the clerk to call the parties and the representative of the Government and to ensure the presence of the parties' lawyers.

The President of the Constitutional Council invites the member rapporteur to read out his report on the exception of unconstitutionality.

He requests the parties, through their lawyers, to submit their oral observations and gives the floor to the representative of the Government to present his observations.

Oral observations must be presented in court in Arabic.

**Art. 24.** - At the end of the hearing, the President of the Constitutional Council shall reserve the exception and set the date for the delivery of the decision.

**Art. 25.** - The provisions of Articles 39 to 41 of this regulation shall apply to deliberation hearings.



**Art. 26.** - Only those members who have attended the adversarial hearing on the exception shall participate in the deliberation hearings.

**Art. 27.** - The conduct of the hearings, the organization of the assistance, the recording and the audio-visual broadcasting as well as the media coverage of the hearings are fixed by decision of the President of the Constitutional Council.

**Art. 28.** - The Chairman of the meeting, the members of the Council and the clerk shall wear, during the hearings, a dress whose characteristics shall be determined by decision of the President of the Constitutional Council.

## **Chapter 2**

### **Decisions of the Constitutional Council relating to the exception of unconstitutionality**

**Art. 29.** – The Constitutional Council shall decide by decision on the legislative provision, object of the exception of unconstitutionality.

The Constitutional Council may, when deciding on the unconstitutionality of the legislative provision, the object of the exception, refer to other legislative provisions where these are linked to the legislative provision, which is the subject of the exception.

***(Art. amended by the Deliberation of 18 Safar 1441 corresponding to 17  
October 2019).***

**Art. 29 bis.** – When the Constitutional Council registers, before ruling on the exception of unconstitutionality of the legislative provision, more than one decision of referral on the same legislative provision, it shall decide on the merits of the first exception that is submitted to it for consideration.

It rules on the following exceptions raised with regard to the same legislative provision, by decisions on exceptions previously judged.

***(Art. added by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 29 ter.** – In the event of declaration of unconstitutionality of the legislative provision, the Constitutional Council shall determine the date from which the said legislative provision loses its effect, in accordance with paragraph 2 of Article 191 of the Constitution.

***(Art. added by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 30.** - The decision of the Constitutional Council on the exception of unconstitutionality shall include the names of the parties and their representatives, the visas of the texts on which the Council relied, the observations made on the legislative provision, object of the exception , the grounds and the operative part.

It also includes the full names and signatures of the members of the Constitutional Council who participated in the deliberations.

**Art. 31.** - The delivery of the decision is limited, during the public hearing, to the reading out of the operative part, in the presence of the members of the Constitutional Council who have deliberated on the exception of unconstitutionality.

**Art. 32.** - The Constitutional Council shall inform the President of the Republic, the President of the Council of the Nation, the President of the People's National Assembly and the Prime Minister, of its decision on the exception of unconstitutionality.

The decision shall be notified, as the case may be, to the first President of the Supreme Court or to the President of the Council of State, within a maximum period of eight (8) days.

**Art. 33.** - In the publication of the decision on the exception of unconstitutionality, account shall be taken, in accordance with Article 25 of the aforementioned organic law n ° 18-16 of 2 September 2018, to the publication of initials of the first and last names of the parties.

**Art. 34.** - The Constitutional Council may correct material errors that may affect its decisions, either *ex officio* or at the request of the authorities or parties referred to in Article 12 of this Regulation.

### TITLE III

#### PROVISIONS COMMON TO CONSTITUTIONALITY REVIEW AND THE EXCEPTION OF INCONSTITUTIONALITY

**Art. 35.** - The date of registration of the referral or the referral decision shall constitute the starting point for the time limits set out in Article 189 of the Constitution.

**Art. 36.** - The President of the Constitutional Council shall appoint, from among the members of the Council, one or more rapporteurs to examine the case of the referral or the referral, and prepare a report and a draft opinion or decision.

**Art. 37.** - The rapporteur is entitled to collect all information and documents relating to the referral or referral case entrusted to him. He may also consult any expert on the subject, after agreement of the President of the Constitutional Council.

**Art. 38.** – At the end of the examination, the rapporteur shall provide the President of the Constitutional Council and each member of the Council with a

copy of the referral file, accompanied by his report and a draft opinion or decision.

**Art. 39.** - The Constitutional Council shall meet when convened by its President.

The President of the Constitutional Council may, in his absence, be replaced by the Vice-President as Chairman of the meeting.

If the President is unable to attend, the Vice-President shall preside over the meeting of the Council.

In the event that the President and the Vice-President are unable to attend, the oldest member shall preside over the meeting of the Council.

**Art. 40.** - The Constitutional Council may only validly rule in the presence of at least nine (9) of its members.

**Art. 41.** - The Constitutional Council deliberates in camera.

It shall deliver its opinions and decisions by a majority of its members, without prejudice to the provisions of paragraph 1 of Article 102 of the Constitution.

In the event of a tie vote, the President shall have the casting vote.

Art. 42. - The secretariat of the meetings of the Constitutional Council is provided by the Secretary General.

The Secretary General takes the oath before the President of the Constitutional Council in the following words:

" أقسم بالله العظيم أن أمارس وظيفتي بنزاهة، وأن أحافظ على سرية مداوات المجلس الدستوري، وأن أحفظ محاضر الجلسات، وآراء وقرارات المجلس الدستوري، والله على ما أقول شهيد".

Translation of the terms of the oath :

"I swear by Almighty God to perform my duties impartially, to preserve the confidentiality of the deliberations of the Constitutional Council and to keep

the minutes of meetings and the opinions and decisions of the Constitutional Council. God is my witness”.

**Art. 44.** - The minutes of the meetings devoted to the deliberations of the Constitutional Council shall be signed by the members present and the secretary of the meeting. They can only be consulted by members of the Constitutional Council.

**Art. 43.** - Before taking office, the Clerk of the Constitutional Council shall take an oath before the President of the Constitutional Council, in the following terms:

" أقسم بالله العظيم أن أقوم بمهامي بأمانة وصدق وعناية وإخلاص، وأن أحافظ على السر المهني، وأن ألتزم بشرف المهنة، وأن أراعي في كل الأحوال والظروف الواجبات التي تفرضها عليّ مهامي، والله على ما أقول شهيد".

Translation of the terms of the oath:

*"I swear by God Almighty to perform my duties with loyalty, sincerity, care and devotion, to preserve professional secrecy, to respect the honor of the profession and to comply, in all circumstances, with the obligations of my profession. God is my witness".*

**Art. 45.** - The opinions and decisions of the Constitutional Council shall be signed by the President and the members present.

They are registered by the Secretary General of the Constitutional Council who ensures their archiving and storage, in accordance with the legislation and regulations in force.

**Art. 46.** - The opinions and decisions of the Constitutional Council shall be reasoned and delivered in Arabic within the deadlines set in Article 189 of the Constitution.

**Art. 47.** - The opinions and decisions of the Constitutional Council shall be transmitted to the Secretary General of the Government for publication in the Official Journal of the People's Democratic Republic of Algeria.

## **TITLE IV**

### **THE OPERATING RULES OF THE CONSTITUTIONAL COUNCIL WITH REGARD TO MONITORING THE REGULARITY OF ELECTIONS AND REFERENDUMS AND PROCLAMATION OF THE RESULTS**

#### **Chapter 1<sup>st</sup>**

##### **Election of the President of the Republic**

**Art. 48.** -The Constitutional Council shall receive the decisions of the National Independent Election Authority on candidatures, together with the candidature files, within twenty-four (24) hours of the date of the announcement of these decisions. They shall be deposited with the General Secretariat of the Constitutional Council against receipt.

***(Art. amended by the Deliberation of 18 Safar 1441 corresponding to 17  
October 2019).***

**Art. 49.** -The candidate for the election of the President of the Republic has the right, in the event of rejection of his candidature by the National Independent Elections Authority, to lodge an appeal by filing a reasoned request with the registry of the Council within the deadline set by the Organic Law on the Electoral System.

The President of the Constitutional Council shall appoint one or more rapporteurs from among the members of the Council to examine appeals and submit reports and draft decisions relating thereto.

***(Art. amended by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 50.** - The Constitutional Council shall decide on appeals by decisions notified immediately to the applicants.

If the appeals are admissible, the Constitutional Council shall register the applicant on the final list of candidates for the election of the President of the Republic.

***(Art. amended by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 51.** - The Constitutional Council shall issue a decision validating the final list of candidates for the election of the President of the Republic, classified in the Arabic alphabetical order of their names.

This decision shall be notified to the President of the Republic and to the President of the Independent National Elections Authority.

***(Art. amended by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 51 bis.** - Decisions shall be forwarded to the General Secretariat of the Government for publication in the Official Journal of the People's Democratic Republic of Algeria.

***(Art. added by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 52.** - The Constitutional Council shall receive the minutes centralizing the results of the election of the President of the Republic established by the wilaya electoral commissions as well as those established by the electoral

commission of citizens residing abroad and shall examine their validity, in accordance with the provisions of the organic law on the electoral system.

**Art. 53.** - Appeals on the results of the election of the President of the Republic, shall be registered at the registry of the Constitutional Council.

**Art. 54.** - The President of the Constitutional Council shall appoint one or more rapporteurs, from among the members of the Council, to examine each appeal and to submit a report and a draft decision copies of which shall be given to the members of the Constitutional Council.

The rapporteur presents his report and the draft decision to the Constitutional Council for decision.

**Art. 55.** - The decision relating to cases of legal impediment of one of the candidates in the second round or death as well as the decision requiring all electoral operations to be repeated and to extend the time limits of their organizations, provided for in paragraph 3 of Article 103 of the Constitution, shall be notified to the President of the Republic and to the Minister of Interior and Local Collectivities.

The abovementioned decisions shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Art. 56.** - Any candidate for the election of the President of the Republic must send his electoral campaign return to the Constitutional Council within a maximum period of three (3) months from the date of publication of the final results of the vote in the Official Journal and in accordance with the terms and conditions provided for by the provisions of the organic law on the electoral system.

The electoral campaign return must include:

- The nature and origin of the revenue, duly justified;



- Expenses substantiated by supporting documents.

The electoral campaign return shall be drawn up by a chartered accountant or auditor, accompanied by a report on the account bearing his seal and signature.

This account may be deposited by any person in possession of a legal delegation of the party or candidate concerned, at the Registry of the Constitutional Council.

**Art. 57.** - The Constitutional Council may call upon any expert to assist it in the examination of electoral campaign returns.

**Art. 58.** - The Constitutional Council shall take a decision on the electoral campaign account in accordance with the terms and conditions laid down in the provisions of Article 196 of the organic law on the electoral system and notify its decision to the candidate and the Prime Minister.

The decisions of acceptance of electoral campaign accounts shall be transmitted to the Prime Minister for the purposes of making the reimbursements provided for by the organic law on the electoral system.

Decisions rejecting electoral campaign accounts and decisions accepting accounts without reimbursement shall be transmitted to candidates for the election of the President of the Republic.

In the event of the candidate's failure to submit his electoral campaign account to the Constitutional Council, in accordance with the provisions of the organic law on the electoral system, the Prime Minister shall be informed.

**Art. 59.** - The decision on the election campaign account of the elected President of the Republic shall be transmitted to the Secretary General of the Government for publication in the Official Journal of the People's Democratic

Republic of Algeria, in accordance with the provisions of the organic law on the electoral system.

## **Chapter 2**

### **Election of Members of Parliament**

**Art. 60.** - The Constitutional Council shall receive the minutes centralizing the results of the elections of the members of the People's National Assembly drawn up by the electoral commissions of the wilayas as well as those drawn up by the electoral commission of citizens residing abroad.

It shall also receive the minutes of the centralization of the results or counting of the elections of the members of the Council of the Nation.

The Constitutional Council shall examine the content of the aforementioned minutes and decides on the provisional results of the election, in accordance with the provisions of the organic law relating to the electoral system.

**Art. 61.** - The distribution of seats among the lists for the election of the members of the People's National Assembly is carried out in accordance with the provisions of the organic law on the electoral system and subject to the provisions of the organic law setting the terms increasing the chances of women's access to representation in elected assemblies.

For the election of the members of the Council of the Nation, the distribution of seats is carried out pursuant to Article 118 (paragraph 2) of the Constitution, among the candidates who obtained the largest number of votes according to the number of seats to be filled, in accordance with the provisions of the organic law on the electoral system.

**Art. 62.** - The application for the appeal provided for in Articles 130 and 171 of the organic law on the electoral system must include the following information:

1. The surname, first name (s), address and signature of the applicant as well as the communal or Wilaya People's Assembly to which the applicant belongs when it is an election to the Council of the Nation.
2. In the case of a political party: its name, the address of its seat, the capacity of the depositary of the appeal and the enabling authority.
3. A statement of the purpose and means in support of the appeal and its supporting documents.

**Art. 63.** - The President of the Constitutional Council shall appoint one or more rapporteurs from among the members of the Council to examine the appeals.

Notification of the appeal shall be made by any legal means to the candidate declared elected and whose election is contested, in order to submit his written observations, in accordance with the provisions of the organic law on the electoral system.

**Art. 64.** - The Constitutional Council shall rule in camera on appeals under the conditions and within the time limits laid down in the provisions of the Organic law on the electoral system when it comes to the election of members of the People's National Assembly and the election of the members of the Council of the Nation.

If it considers the appeal to be well-founded, it may, by reasoned decision, either annul the contested election, or redraft minutes of the results drawn up and proclaim the candidate duly and definitively elected, in accordance with the organic law relating to the electoral system.

The decision annulling the election shall be notified, as the case may be, to the President of the People's National Assembly or the President of the Nation Council as well as to the Minister of the Interior and Local Government and the parties concerned.

Decisions annulling the election or redrafting the minutes shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Art. 65.** - The Constitutional Council shall proclaim, after having ruled on the appeals, the final results of the election of the members of the People's National Assembly or the members of the Council of the Nation.

The proclamation of the final results shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Art. 66.** - When the President of the Constitutional Council is notified of the declaration of vacancy of the seat of a deputy, in accordance with the provisions of Article 106 of the organic law on the electoral system, he shall designate, among the members of the Council, a rapporteur to verify the replacement.

**Art. 67.** - The Constitutional Council shall decide on the replacement of the deputy whose seat has become vacant, in accordance with the provisions of the organic law on the electoral system and subject to the provisions of Article 6 of the organic law laying down the modalities increasing the number of chances of women's access to representation in elected assemblies.

To this effect, it shall issue a decision which shall be notified to the President of the People's National Assembly and to the Minister in charge of the Interior and Local Government.

This decision shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Art. 68.** - Upon referral by reasoned letter from the President of the House concerned, the Constitutional Council shall declare by decision, the vacancy of the seat of the elected representative of the People's National Assembly or the

Council of the Nation following the forfeiture of his elective mandate in accordance with Article 117 of the Constitution.

The decision of the Constitutional Council shall be notified to the President of the House concerned and to the Minister of the Interior and Local Government.

It shall be published in the Official Journal of the People's Democratic Republic of Algeria.

**Art. 69.** - Each list of candidates for the election of members of the People's National Assembly is required to submit the account of its electoral campaign within two (2) months of the publication of the final results of the election of the members of the People's National Assembly.

**Art. 70.** - The electoral campaign return must include:

- The nature and origin of the revenue, duly justified;
- The expenditure substantiated by supporting documents.

The electoral campaign return must be drawn up by a chartered accountant or auditor, accompanied by a report on the account bearing his seal and signature.

This account may be deposited by any person in possession of a legal delegation of the party or the list concerned, with the registry of the Constitutional Council.

**Art. 71.** - The Constitutional Council shall decide, by decision, on the electoral campaign account of the list of candidates for the election of members of the People's National Assembly in accordance with the terms and conditions laid down in the provisions of Article 196 of the organic law on the electoral system.

**Art. 72.** - The decision accepting the electoral campaign account shall be transmitted to the list concerned and to the Prime Minister in order to proceed with the reimbursement provided for by the organic law on the electoral system.

Decisions of rejection and decisions of acceptance without reimbursement, relating to electoral campaign accounts are transmitted to the lists of the candidates for the election of the members of the People's National Assembly.

In case of failure by the list of candidates to submit its electoral campaign account to the Constitutional Council and, in accordance with the provisions of the organic law on the electoral system, the Prime Minister shall be informed.

### **Chapter 3**

#### **Monitoring the regularity of referendum operations**

**Art. 73.** - The Constitutional Council shall ensure the regularity of the referendum operation and examine the appeals, in accordance with Article 182 (paragraph 2) of the Constitution and the provisions of the organic law on the electoral system.

**Art. 74.** - The appeals, duly signed by their authors, must include the full name, address and capacity as well as a statement of the facts and means justifying the appeal.

The appeals are registered at the Registry of the Constitutional Council.

**Art. 75.** - Upon receipt of the minutes of the results, in accordance with the forms and deadlines provided for in the organic law on the electoral system, the President of the Constitutional Council shall appoint one or more rapporteurs to examine them and prepare a report on the results.

**Art. 76.** - The Constitutional Council shall rule on the regularity of the voting operations and related complaints within the time limits provided for in the provisions of the organic law on the electoral system.

**Art. 77.** - The Constitutional Council shall officially proclaim the final results of the referendum within the time limits provided for in the second paragraph of Article 151 of the organic law on the electoral system.

## **Chapter 4**

### **Common provisions on monitoring the regularity of electoral operations and referendum**

**Art. 78.** - The Constitutional Council may be assisted by judges or experts when it monitors the regularity of referendum operations, the election of the President of the Republic and legislative elections.

**Art. 78 bis.** - the Constitutional Council receives from the Independent National Elections Authority, a copy of the communal electoral list and the electoral list of diplomatic and consular posts abroad in accordance with the organic law on the electoral system.

***(Art. added by the Deliberation of 18 Safar 1441 corresponding to 17 October 2019).***

**Art. 79.** - The Constitutional Council may, if the examination of the appeals so requires, request from the competent authorities to send it documents or files of the candidates to the elections in order to ensure that they meet the legal requirements.

**Art. 80.** - The Constitutional Council may hear any person and request, if necessary, all necessary documents to make sure of the results recorded in the

minutes of centralization of the results of the referendum and the presidential and legislative elections .

The documents shall be deposited at the Registry of the Constitutional Council.

## **TITLE V**

### **CONSULTATION WITH THE CONSTITUTIONAL COUNCIL IN PARTICULAR SITUATIONS**

**Art. 81.** - In the cases provided for in Article 102 of the Constitution, the Constitutional Council shall meet *ex officio*. In this context, it may carry out any verification and hear any qualified person and any authority concerned.

**Art. 82.** - When consulted in accordance with Article 104 of the Constitution, the Constitutional Council shall meet and give its opinion as soon as possible.

**Art. 83.** - When consulted pursuant to the provisions of Article 111 of the Constitution, the Constitutional Council shall meet and deliver its opinion immediately.

**Art. 84.** - When consulted within the framework of Article 119 of the Constitution, the Constitutional Council shall meet and deliver its opinion without delay.

## **TITLE VI**

### **RULES RELATING TO MEMBERS OF THE CONSTITUTIONAL COUNCIL**

**Art. 85.** - The members of the Constitutional Council are required, in the performance of their duties, to comply with the provisions of paragraph 3 of Article 183 of the Constitution and, also, to sever any link with any political party during their term of office, in accordance with the provisions of the paragraph *in fine* of Article 10 of the organic law n ° 12-04 of 12 January 2012 on political parties.



**Art. 86.** - The President of the Constitutional Council may authorize a member of the Council to participate in scientific and intellectual activities when such participation is related to the Council's missions and has no influence on its independence and impartiality.

The member concerned shall make a presentation on his participation at the following meeting of the Constitutional Council, together with the documents relating to that activity.

**Art. 87.** - When a member of the Constitutional Council ceases to fulfill the conditions required for the performance of his duties or has seriously failed to fulfill his obligations, the Constitutional Council shall meet in the presence of all its members to hear the member concerned.

**Art. 88.** - The Constitutional Council shall deliberate and decide unanimously, on the case of the member concerned, without the presence of the latter.

If a serious breach is noted against him, the Constitutional Council shall invite him and notify the authority concerned to replace him.

**Art. 89.** - In the event of the death or resignation of the President of the Constitutional Council, the Council shall meet under the chairmanship of the Vice-President and shall take note of it. The President of the Republic shall be immediately informed.

**Art. 90.** - In case of death, resignation or permanent incapacity of a member of the Constitutional Council, the Council shall deliberate.

A copy of the decision shall be notified to the President of the Republic and, as the case may be, to the President of the People's National Assembly, the President of the Council of the Nation and the first President of the Supreme Court or the President of the Council of State.

**Art. 91.** - During their term of office, the President, the Vice-President and the members of the Constitutional Council enjoy, under Article 185 (paragraph 1) of the Constitution, jurisdictional immunity in criminal matters.

The waiver of immunity may only be made upon the express waiver of the person concerned or upon the authorization of the Constitutional Council.

In the event of a request for waiver of immunity for the purposes of criminal prosecution, addressed by the Minister of Justice, keeper of the seals to the President of the Constitutional Council, the Constitutional Council, after hearing the member concerned, shall examine the request and decide unanimously, without the presence of the person concerned.

## **TITLE VII**

### **THE ACTIVITIES OF THE CONSTITUTIONAL COUNCIL, EXTERNAL RELATIONS AND COMMUNICATION**

**Art. 92.** - The Constitutional Council may work towards membership of international and regional institutions and organizations when their activities are not incompatible with the mission of the Constitutional Council and do not affect its independence and impartiality.

The Constitutional Council may conclude cooperation agreements with national and foreign bodies in areas related to its competences.

**Art. 93.** - The Constitutional Council may organize colloquia, seminars or any other scientific or intellectual activity related to its missions.

**Art. 94.** - The Constitutional Council may make public communiqués relating to the exercise of its powers.

**Art. 95.** - The Constitutional Council publishes a review entitled "Review of the Constitutional Council". It includes the publication of studies and research on

constitutional law and jurisprudence aimed at disseminating constitutional culture.

**Art. 96.** - The Constitutional Council's website is used for communication with the authorities, bodies and parties, for announcing of the enrolment of the hearings on the exception of unconstitutionality, publishing opinions, decisions and communiqués issued by the Constitutional Council as well as for covering the various activities of the Constitutional Council and for promoting constitutional culture.

## **TITLE VIII**

### **THE ADMINISTRATIVE AND FINANCIAL MANAGEMENT RULES OF THE CONSTITUTIONAL COUNCIL**

**Art. 97.** - Under the final paragraph of Article 182 of the Constitution, the Constitutional Council is endowed with administrative and financial autonomy.

The President of the Constitutional Council shall submit to the Council for adoption the draft budget of the Council for the following year.

It shall also submit to the Constitutional Council the budget implementation report for the past financial year.

**Art. 98.** - The President of the Constitutional Council shall forward the draft budget of the Constitutional Council to the Prime Minister to include it in the state budget for the year in question.

**Art. 99.** - The President of the Constitutional Council shall submit to the Council for adoption the draft establishing the administrative organization of the organs and structures of the Constitutional Council. It shall make it by decision.

**Art. 100.** - The Constitutional Council may have recourse, within a contractual framework, to the services of experts, and researchers with proven expertise, assistance and advice.

**Art. 101.** - The organization and management of the Constitutional Council's archives shall be determined by decision of the President of the Constitutional Council.

### **FINAL PROVISIONS**

**Art. 102.** - The regulation setting the operating rules of the Constitutional Council may be amended on proposal of the President of the Constitutional Council or a majority of its members.

**Art. 103.** - Are repealed the provisions of the Regulation of 28 Jomada Ethania 1437 corresponding to 6 April 2016 setting the operating rules of the Constitutional Council.

**Art. 104.** - This Regulation shall be published in the Official Journal of the People's Democratic Republic of Algeria.

Done at Algiers, on 7 Ramadhan 1440 corresponding to 12 May 2019.

**The President of the Constitutional Council**

**Kamel FENICHE**

Mohamed HABCHI, Vice-President;

Salima MOUSSERATI, member;

Chadia REHAB, member;

Brahim BOUTKHIL, member;

Mohammed Réda OUSSAHLA, member;

Abdenmour GARAOUI, member;

Khadidja ABBAD, member;

Smail BALIT, member;

Lachemi BRAHMI, member;

M'Hamed ADDA DJELLOUL, member;

Amar BOURAOUI, member.