

KINGDOM OF CAMBODIA
Nation Religion King



The Constitutional Council

CASE

N° 178/001/2011

Of January 25, 2011

Decision

N° 113/001/2011 CC.D

Of February 01, 2011

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
- ...
- Seen the letter N° 069 N.A of January 24, 2011 of H.E. NGUON NHEL, Acting President of the National Assembly, requesting the Constitutional Council to examine the constitutionality of the Law on the Organization and the Functioning of the Congress of the National Assembly and the Senate, adopted by the National Assembly on December 28, 2010 in the 5th plenary session of its 4th legislature and definitively reviewed by the Senate on the legal form and substance in the 8th plenary session of its 2nd legislature on January 20, 2011, letter received by the Secretariat General of the Constitutional Council on January 25, 2011 at 15:45.

Having heard the rapporteur,

Having deliberated in compliance with the law,

- Whereas the National Assembly and the Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Organization and the Functioning of the Congress of the National Assembly and the Senate;
- Whereas the request of H.E. NGUON NHEL, Acting President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 16 (New) of the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council, is therefore admissible;
- Whereas the form in drafting and adopting the Law on the Organization and the Functioning of the Congress of the National Assembly and the Senate has nothing contrary to the Constitution;
- Whereas the Chapter 1 on the General Provisions, consisting of 3 Articles, stipulated the objectives, the Organization and the Functioning of the Congress of the National Assembly and the Senate, the definition of the Congress of the National Assembly and the Senate, the important issues of the country, has nothing contrary to the Constitution;
- Whereas the Chapter 2 on the Organization of the Congress, consisting of 6 Articles, stipulated the President of the Congress, the venue of the Congress,

- the composition of the Congress Committee, the function of the President of the Congress, the Secretariat General of the Congress, and the expenditure for the Functioning of the Congress, has nothing contrary to the Constitution;
- Whereas the Chapter 3 on the Functioning of the Congress, consisting of 4 Articles, stipulated the high ranking personality who has the rights to initiate the Congress meeting, the convening for the Congress meeting, the quorum of the Congress meeting, the adoption votes of the Congress, the effectiveness of the Congress resolution, the disseminating, and the publishing in the Royal Gazette, has nothing contrary to the Constitution;
 - Whereas the Chapter 4 on Transitional Provisions, consisting of 1 Article, stipulated the duration for convening the first Congress meeting in order to review and adopt the Rules of Procedure of the Congress and the implementation of the Rules of Procedure of the National Assembly for the functioning of the first Congress meeting, has nothing contrary to the Constitution;
 - Whereas the essences of the 4 Chapters, consisting of 14 Articles of this Law have nothing contrary to the Constitution;

Decides:

- Article 1:** The Law on the Organization and the Functioning of the Congress of the National Assembly and the Senate adopted by the National Assembly on December 28, 2010 in the 5th plenary session of its 4th legislature and reviewed and definitively reviewed and agreed by the Senate on the legal form and substance in the 8th plenary session of its 2nd legislature on January 20, 2011, shall be declared in conformity with the Constitution.
- Article 2:** This decision made in the plenary session of the Constitutional Council in Phnom Penh on February 01, 2011 shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, February 01, 2011
**On behalf of the Constitutional Council
The President,**

Signed and Sealed: EK SAM OL

Glossary

CC.D Decision of the Constitutional Council